

REPORT UPDATE

Application No: M/53/19/PL

Reason for the Update / Changes

Reason for Update/Changes:

The neighbouring dwelling at no 9, to the North, has now been extended (as approved under planning permission M/31/19/HH) and revised street scene plans have been submitted to reflect the current situation.

These alterations have changed the character of the immediately surrounding area to a mix of 2 storey dwellings and bungalows.

In terms of residential amenity the extended dwelling at no 9 has a number of windows in the south side elevation at ground and first floor facing the north side of the application property. However the proposal has no openings on this north elevation and therefore no adverse overlooking would result to the adjoining dwelling from the proposal.

Officers Comment: The wording of condition 2 has been amended to reflect the later plan reference.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: M/53/19/PL

LOCATION: 7 Alleyne Way
Elmer
Middleton-On-Sea
PO22 6JZ

PROPOSAL: Demolition & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Demolition of existing single storey dwelling and the construction of a two storey detached dwelling set back 12.5m from the road. The roof will have twin gables aligned east-west of differing depths and hipped at the rear connected by a flat roof element 6m high with a false hip to north and south, set back 1.5m from the gable elements. The northern gable will be 12.5m deep and 4m high at the eaves and 7m at the ridge. The southern gable will be the same height and 9 m deep.

The northern gable has a balcony at first floor set back inside the roof and accessed by a French window. Two other windows are proposed at first floor on the front elevation. No windows are proposed on the north elevation. Three 1.6m high

windows extending into the roof as roof lights are proposed at first floor in the south elevation serving bedrooms. There are floor-ceiling windows at ground floor on this elevation. The original proposal has been amended to replace first floor windows on the rear elevation with roof lights.

The roof would be grey standing seam and the walls would be render and timber cladding.

The application has arisen as a result of works being undertaken to implement previously approved extensions when unforeseen works were discovered including sub-standard/non-existent foundations which resulted in demolition of the old property.

SITE AREA	0.05ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The front boundary has a dwarf wall with timber panels on top to a maximum height of 1.8 m. with large gate piers and metal vehicle gates. There is a mix of timber fences, walls and mature planting to a height of over 3 metres on the south side boundary of the front garden.
SITE CHARACTERISTICS	The site is occupied by a mobile home. The existing property was a detached bungalow with a flat roof element on the north side. The large front garden laid to gravel with an outbuilding adjacent to the south boundary.
CHARACTER OF LOCALITY	The property is on the east side of a quiet residential street. Other houses are mainly detached in medium sized plots set back from the highway with gardens to front and rear. The property to the north is a bungalow and is 4m from the site boundary. It has a shallow pitched roof 4.5m high at the ridge. Beyond this bungalow properties to the north are two storey and there is a consistency in design in that most present a gable end on to the road. The property to the south is a bungalow with a ridge height of 6 m. It has a flat roof garage on the north side adjacent to the site.

RELEVANT SITE HISTORY

M/37/18/HH	Single storey extensions to East, South & West elevations & loft conversion (resubmission following M/126/17/HH).	ApproveConditionally 25-06-18
M/126/17/HH	Single storey extensions to East, South & West elevations & loft conversion.	Refused 27-02-18

Permission (M/37/18/HH) for single storey extensions to the east, south and west of the dwelling as well as a loft conversion. This resulted in the dwelling having the same appearance as now proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council

Objection - The overall mass, height and scale is out of keeping with surrounding properties.

4 Objections

- Concern regarding the number of large developments which are changing the character of this private estate. Larger properties bring increasing numbers of residents, vehicles and parking.
- Whilst some larger plots of land may have been suitable for this scale of development in the past, these larger developments are now moving into areas of smaller plots creating a situation of over development.
- The estate infrastructure was not designed to take the increasing numbers of residents for which these developments are designed. Southern Water foul water pumping station which serves the estate on The Hard has regularly failed in the past.
- Roads are narrow and parking of increasing numbers of vehicles on the private estate roads cause problems.
- The building is not in keeping with the surrounding area.
- The proposal will and will set a precedent for future developments.
- Height and size of the proposed building is not in keeping with the neighbouring properties.
- The drainage plan appears incorrect as it refers to 24 Alleyne Way. It shows the movement of a surface water soak away, which is sited on Elmer Sands land (road side), this is not acceptable as it is part of the estate scheme to disperse surface water.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Permission was granted (M/37/18/HH) for the extension of the dwelling to create a property of the same mass, scale, height and appearance as proposed by this application. The principle of the development as proposed is established.

The replacement dwelling will not materially increase pressure on existing infrastructure/services.

The Council's Drainage Engineer is satisfied with the submitted drainage details.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Southern Water Planning

Environment Agency

Engineers (Drainage)
 Engineers (Drainage)
 Engineers (Drainage)
 Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (Paragraph 109) and there are no transport grounds to resist the development. Condition relating to cycle parking requested.

Drainage Engineer - Previous request for pre-commencement drainage conditions is removed. If approval is granted a condition should be imposed ensuring that construction of the surface water drainage is in accordance with the Drain Inverts and Soakaway Section drawings.

Environment Agency - The proposed development will only meet NPPF requirements if the requested planning condition is included.

Southern Water - No Objection. Informative requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions included in recommendation. A cycle storage plan has been submitted as part of the proposal and provision is not therefore conditioned..

POLICY CONTEXT

Designation applicable to site:
 Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

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 a 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 comply with relevant Development Plan policies in that it would not be out of character in the street scene and would not have an acceptable impact on the residential amenities of neighbouring properties.

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

M/37/18/HH granted permission for the extension and alteration of the existing dwelling. This approval was a scheme of identical mass, scale, design and appearance as now proposed but through extension rather than demolition. The proposed elevation and floor plan drawing number 104 revA is the same for the drawing approved under M/37/18/HH.

The approved householder extension is a material planning consideration and the permission is extant. The impact on residential and visual amenity is the same as approved and it would not therefore be reasonable to refuse this application.

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan (ALP) requires the Council to have regard to certain aspects including character, appearance/attractiveness, density, and scale. This is reiterated in the recently published National Design Guide which states that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. Paras 21 to 29 set out the components of good design which include layout,

form and scale of buildings; appearance; landscape; materials and their detailing.

Policy D SP1 "Design" states that development proposals should make efficient use of land but reflect the characteristics of the site and local area.

The replacement dwelling would have 2 storeys and be designed as 2 linked pitched roofs of modern design of differing width and eaves height, incorporating 4 bedrooms in the first floor of the building within the sloped roof. The West elevation incorporates a recessed balcony.

The character of the area is of mixed individually designed properties including bungalows and two storey dwellings such that the proposed dwellings would fit in the street scene.

The dwelling will significantly alter the shape of the original dwelling and the approved extension effectively resulted in a new build rather than an extension to the existing building. As such the design was previously considered as a whole rather than as a subservient addition. Whilst the ridge height will be increased overall by 0.5m and at the highest points of the gables by 1.5m, the bulk of the roof appears lighter by splitting the mass into 2 gables. In view of the significant set back from the road and the separation distance from the properties either side it will not appear overbearing. The design and materials proposed have a contemporary feel which reflects that of other houses in the vicinity, in particular 12 Alleyne Way.

Having regard to the size, scale, massing and overall design of the proposed dwellings, the proposed dwelling would not have a detrimental impact on the street scene and wider area. The proposal is therefore considered to comply with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain criteria when considering the impact of new developments on neighbouring properties which includes avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The foot print of the building will extend no further forward or back than the existing. The first floor elements will be 1.5 m higher than the existing roof at the ridge and 1 m higher at the eaves. There is a window in the side elevation of the bungalow to the north, 9 Alleyne Way, which faces the application site but having regard to the relative positions of the existing property to this bungalow and the distance between this window and the eaves (6 m) and ridge (8m) of the new roof on number 7 there will a minimal impact in terms of overshadowing and outlook. There is a dormer window on the side roof slope of the property to the south facing onto the application site. The distance between this dormer and number 7 is 7m. Due to the orientation and separation distance there will be no loss of light or outlook to this window. Three windows are proposed at first floor in the side elevation opposite this dormer. They are secondary windows to bedrooms which have principal windows facing west and east and therefore will be subject to a condition to ensure they are glazed with obscure glass.

The development would not cause a significant loss of residential amenity to neighbouring properties and it is considered to comply with policy D DM1 of the Arun Local Plan (ALP).

FLOOD RISK AND DRAINAGE

The site lies in an area categorised as at high risk of flooding within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment. The proposed development is categorised as "More Vulnerable" in accordance with the NPPF; it is therefore an appropriate type of development within Flood Zone 1 without the need to pass the Exception Test. All occupiers of the dwelling would have access to

the raised ground floor level and the first floor is also above the extreme event for lifetime of the scheme. There would be sufficient time to seek refuge and/or evacuate to an area outside of the surface water flooding. Subject to a condition setting the minimum finished floor levels there are no objections to the development from the Environment Agency nor the Arun District Council Engineers and therefore the proposal complies with policy W DM2 of the Arun Local Plan.

The development replaces a dwelling with a similar roof profile. Engineers have made no objection to the scheme provided it is carried in accordance with submitted surface water drainage information. The proposal is considered to comply with policies W SP1 and W DM3 of the Arun Local Plan.

SPACE STANDARDS

In terms of the internal space requirements Policy D DM2 of the ALP requires that room sizes accord with the Nationally Described Space Standards.

For a 4 bedroomed, property occupied by 8 people as proposed the National space standards state a required minimum gross internal floor area of 124 sq.m. From an assessment of the submitted floor plans the dwelling would have a gross internal floor area of 208 sq.m. As such, the proposed dwelling would comply with these internal space standards in accordance with Policy D DM2 of the Arun Local Plan.

In respect of outside amenity space the proposal maintains the rear garden length of 5 metres across the width of the plot which is acceptable and in line with other dwellings in the vicinity of the application site.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development provides safe access on to the highway network & promotes sustainable transport, including the use of low emission fuels. It seeks that parking provision accords with West Sussex County Council guidance.

In respect of highway safety, it states that transport and development proposals relating to new development need to demonstrate how it will provide efficient and safe access onto and off the site.

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that development should only be prevented where the residual cumulative impacts on the road network would be severe.

County Highways have assessed the scheme and consider:

- There is no evidence to suggest that the existing access is operating unsafely.
- There is adequate parking space already present and it does not impact upon the Publicly Maintained Highway.
- It would not have a 'severe' impact on the operation of the Highway network.

It is suggested that a condition relating to the provision of cycle parking is imposed.

It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

SUMMARY

This proposal is an efficient use of the site without harming the visual amenity of the area, highway safety or the amenities of existing residential occupiers. The proposal is identical to the householder extensions already approved. It is therefore recommended that permission be granted 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 respect 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 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

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:

1310 100 Existing Location Plan

Location Plan

1310.102 Proposed Site Plan

1310.103 revA, Existing Floor Plans and Elevations

1310.104 revA Proposed Floor Plans and Elevations received 06-01-2020

Bin and Cycle Storage

Drainage Plan of soakaway and drain type/positions

Drainage Plan

Soakaway Location Plan

Street Scene

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy DDM1 of the Arun Local Plan.

- 3 The windows on the south elevation at first floor level 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 DDM1 of Arun Local Plan.

- 4 The building shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the submitted details namely Building Regs Drainage Specification, Rainwater Harvesting Equipment Soakaway Report, Surface Water Drainage Proposal Checklist, Foul and Surface Water Drainage Statement, Infiltration Test Location Plan, applicant's e-mail dated 07-08-2019 and the agreed details attached to the Council's Drainage Engineer's consultation response dated 05-09-2019. The details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM3 of Arun Local Plan.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted June 2019 by ARK Environmental Consultancy Ltd and the following mitigation measures detailed within the FRA:

1. Finished floor levels of the ground floor shall be set no lower than 3.8 m above Ordnance Datum (AOD).
2. Flood resilient techniques as set out in section 9.6 of the Flood Risk Assessment shall be incorporated .

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with the plan submitted with this application and the spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 7 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 8 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 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.