

Recommendation Report for Planning Permission

REF NO: M/62/19/PL

LOCATION: 177 Middleton Road
Middleton-On-Sea
PO22 6DF

PROPOSAL: Construct an additional dwelling house along Sundale Lane to rear of 177 Middleton Road.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a detached 2 storey, 3 bedroom dwelling. It has a ridge height of 6.7m and hipped barn ends to the roof. The property has been designed with traditional painted render walls and tiled window cills to match the design of 175, 177 and 179 Middleton Road.
SITE AREA	156 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	64 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	3 mature trees on site. 2 on side boundary to be retained. Tree on site frontage to be removed. It is now the subject of a TPO and as it is centrally sited it would be difficult to retain given the limited plot depth. It was not identified at pre application stage as worthy of retention.
BOUNDARY TREATMENT	Close boarded fencing approx. 1.8m in height.
SITE CHARACTERISTICS	The site consists of a large two storey chalet bungalow with a clay tile sussex hipped roof and a two storey centrally located front outrigger with a pitched roof clad in dark wood. The property has a detached garage to the east side in line with the front elevation. It has an 8 metre L shaped single storey extension on the east side of the rear of the building granted planning permission to be used as an elderly persons annexe. The property has a large front garden accessed from Middleton Road with a driveway and parking area. The rear garden is 35 metres in length from the primary rear elevation and 21 metres from the rear of the L shape of the rear extension. The rear garden 2 metre high close boarded fence abuts Sundale Lane, a residential cul de sac of bungalow style

CHARACTER OF LOCALITY

properties with garage/outbuildings abutting the roadside.

The site is located on the edge of Middleton Village Centre close to a car sales garage to the west, in a predominantly residential area comprised of dwellings of mixed design and plot size.

The application site is located in a row of 3 similar large detached properties on large plots of a similar character which form a significant part of the character of the area on Middleton Road. The properties are located within an Area of Special Character.

The North side of Sundale Lane is outside of the Area of Special Character and is made up of bungalow properties of a modern but traditional style, i.e. stock brick and concrete tiles.

RELEVANT SITE HISTORY

M/54/93

Proposed single storey extension for elderly relative

App Cond with S106
19-11-93

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection:

- Out of character with street scene in Sundale Lane.
- Height of building is overbearing. The development will impinge on the privacy of adjoining properties.
- Serious concerns where foul pipe connects to main sewer which is under the roadway.
- Flooding problems due to construction.
- Previous planning application at 175 Middleton Road refused due to size of plot.

9 Objections:

- All dwellings in this part of Sundale Lane are bungalows or chalet bungalows. The proposed property would be out of keeping with the character of the area and style of nearby properties.
- Loss of an Oak tree which should be protected.
- Detrimental to neighbours privacy.
- The applicant claims there will be no additional vehicular traffic. This is incorrect, 177 Middleton Road have never used the access from Sundale Lane hence they have removed the access gates and replaced it with fences and a pedestrian gate.
- There has to be a detrimental effect to 177 Middleton Road by the further reduction of the back garden. Already reduced by the building of a single storey extension.
- Can increase in surface water be satisfactorily accommodated?
- The new house will only have parking for two cars, there is nowhere for anything else to park in Sundale Lane.
- We have had to, at times, reverse back out of the lane.

COMMENTS ON REPRESENTATIONS RECEIVED:

Construction could be managed by the imposition of a condition.

Drainage would be controlled by Building Regulations.

The refusal of a dwelling to the rear of 175 Middleton Road (M/48/93) was considered some time ago and the planning policy framework has subsequently altered.

The preservation of the oak tree on the rear boundary has been considered by the tree officer and it has been concluded that it should be the subject of a Tree Preservation Order.

Other planning related comments are addressed in the conclusion section of this report.

CONSULTATIONS

WSCC Strategic Planning

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. Full comments available on the website.

Tree Officer - The English oak tree on the boundary with Sundale Lane is in good health and qualifies for the making of a Tree Preservation Order.

COMMENTS ON CONSULTATION RESPONSES:

The Oak tree has been made the subject of a provisional Tree Preservation Order.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Within Area of Special Character

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
SPD7	Middleton on Sea Village Design Statement

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 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 appearance and character of the area and result in the loss of a protected tree.

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 lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promote the effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). The development complies with policy SD SP1 of the Arun Local Plan which seeks to focus development within it.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The area fronting Middleton Road is a mix of dwelling types comprising mainly two storey dwellings in large plots. The proposal would allow for a detached dwelling on land which is currently part of the rear garden of 177 Middleton Road which has been extended to the rear. The previous extension has already reduced the garden area to the rear of the dwelling. Consequently the application plot is relatively small and the host dwelling would have a significantly reduced rear garden area which would detract from the spacious character of the area.

The limited depth of the application site means that in order to achieve a reasonable rear garden depth to any additional dwelling in the rear garden the new dwelling needs to be sited close to the site frontage with Sundale Lane.

The proposed dwelling has a garden depth of 8m (2m short of the standard 10m which is deemed acceptable in terms of residential amenity for a detached 2 storey dwelling) and is located at its closest point 0.9m from the road frontage. There are buildings located close to the site frontage, but these are single storey and are set back further from the road frontage than the application dwelling.

Given its height, overall size and position the dwelling would form a prominent and obtrusive feature in the street scene and would sit at odds with the general pattern of development in the locality. As a result of the proposed development the spacious and leafy character of Sundale Lane to the rear would be materially harmed.

Although the material pallet for the development is similar to surrounding properties in the immediate area, the scale, massing and location of the proposed dwelling would result in an adverse impact to the appearance and character of the area.

The site also lies in an Area of Character. Policy HER DM4 Areas of Character of the Arun Local Plan is therefore relevant which requires:

- a. The retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc. which make positive contributions to the special character of the areas;
- c. New development preserving, and where possible, enhancing the special character of these areas, particularly with regard to the characteristics identified by the Local Planning Authority.

Given the dwellings proposed position, height and mass it will not preserve and enhance the Area of Character. It will appear cramped and out of keeping.

The proposal would erode the spacious character of the area referred to in the description of the character of the area within the Area of Special Character Supplementary Planning Document. This states that the special character of the Middleton-on-Sea Estate derives largely from the low density, spacious planned concept. No additional hedge planting is included to any of the site frontage or side boundaries which would soften and integrate the development. The loss of a protected tree and lack of planting/appropriate boundary treatment adds to the prominence and harshness of the development in the street scene. The whole of the site frontage would be covered in cement resin bond with no planting incorporated. The development is so cramped within the site that it is not wide enough to allow for meaningful hedging to the side boundaries.

It is noted that there is an unsightly commercial shed 50 metres to the west on the south side of Sundale Avenue and an unexceptional large outbuilding in the rear garden of 179 Middleton Road.

However the principle of preservation and enhancement is key to the consideration of this application and the dwelling would appear cramped in relation to all site boundaries and out of keeping with the visual amenities of the locality generally.

The dwelling is 1m from the west side boundary, 0.2m from the eastern boundary, 0.9m from the northern boundary and 8m from the southern boundary. This clearly demonstrate that the amount of development proposed on the site is excessive for the plot and that the proposal is an overdevelopment of the site. There are no other dwellings in the area with such limited plot dimensions.

No street scene has been submitted with application, but the height of the dwelling and size of the roof area would be greater than the garage to the east and the proposal would sit at odds with predominantly single storey dwellings fronting Sundale Lane.

SPACE STANDARDS

Policy D DM2 requires that internal space standards comply with the Nationally Described Space Standards within Planning Policy Guidance.

The required Gross Internal Floor Area for a 6 person 3 bedroom 2 storey dwelling is 102sqm. The proposal has a Gross Internal Floor Area of 128sqm and therefore meets the criteria.

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into

account impact on adjoining occupiers, land, use or property. The 'core planning principles' of the National Planning Policy Framework (NPPF) is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 12).

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 rear garden has a depth of approx. 8 metres which falls short of the usual garden length expected to comply with policy D DM1 of the Arun Local Plan. A 3 bedroom dwelling could be occupied as a family home and a 10m depth rear garden would therefore be expected to serve a dwelling of the size proposed to facilitate adequate space for outside play, drying of clothes and a private sitting out area. The limited space to the front and rear would result in unacceptable useable amenity space for future residents.

IMPACT ON TREE

There is an English Oak tree on the rear boundary of the site with Sundale Lane. It has good public amenity value and is not indicated on the submitted plans as either existing or retained. It is clearly intended that it would be removed given that the front area is indicated as resin bonded permeable gravel.

The removal of the tree would reduce the leafy appearance of the lane and would result in the loss of a feature which softens the street scene and acts as a screen to other development on adjoining sites which are close to the road frontage.

Its loss would adversely affect the visual amenities of the locality and the proposal would therefore negatively impact on the appearance of the area in conflict with policies D DM1 and ENV DM4 of the Local Plan. It would also be contrary to policy HER DM4(a) in that it results in the loss of a tree which makes a positive contribution to the special character of the area.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places.... with a high standard of amenity for existing and future users;...."

The proposal includes a rear dormer serving a bathroom which is indicated to be obscure glazed and roof lights serving bedrooms with cill heights of 1.2m. These are low enough to facilitate overlooking of adjoining properties.

The windows are 16m from the rear elevation of 179 Middleton Road and would result in oblique overlooking of the garden. The distance from the rear roof lights to the host dwelling rear elevation is 15m and direct overlooking would result to both the garden area and rear elevation of this property. The 8m gap to the rear boundary would also result in materially adverse overbearing effects on the occupants of the original dwelling at 177 Middleton Road.

The proposal is therefore considered to be overbearing and dominant to the amenity of the neighbouring and host contrary to policies D SP1 & D DM1 of the Local Plan.

SUMMARY:

This proposal by virtue of its design, layout and position is detrimental to the street scene setting and results in a cramped development detracting from the existing environment, resulting in the loss of an important tree and adversely impacting on the neighbouring occupiers at 177 and 179 Middleton Road.

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 The proposal by virtue of its layout, position, design, footprint and height, represents an overdevelopment of the site. It would result in an unduly cramped form of development damaging to the street scene and adversely affecting the character and visual amenities of this designated Area of Special Character and the residential amenities of the occupiers of 177 and 179 Middleton Road contrary to policies D SP1, D DM1, D DM2 and HER DM4 of the Arun Local Plan.
- 2 The site by virtue of its limited depth is considered unsuitable to accommodate a dwelling with an acceptable level of private amenity space for future occupiers contrary to policy DDM1 of the Arun Local Plan and the National Planning Policy Framework.
- 3 The layout and siting of the proposed development would result in the loss of a tree of value to the local landscape and subject to a Tree Preservation Order in conflict with policies ENV DM4 and DDM1 of the Arun Local Plan.
- 4 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. 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.