

Recommendation Report for Planning Permission

REF NO: M/63/20/PL

LOCATION: 46 Sea Lane
Middleton-On-Sea
PO22 7RX

PROPOSAL: Variation of condition 2-plans condition following M/32/19/PL relating to reconfiguration of chimney flues design resulting in 2 stacks & adjustment to fenestration to provide symmetry. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks permission to increase the number of bedrooms within the approved chalet style dwelling from 3 to 4 bedrooms. This has been achieved by altering the approved bathroom to a bedroom and changing one of the en-suites to a family bathroom. There is no change to the ground floor layout, although the patio door opening has been widened. The chimney positions have also been altered with them now being located further apart and are incorporated within the east and west side elevations of the dwelling. The materials have also changed from slate roof, brick elevations and clay tiles, render and boarding to clay tile roof, weather boarding on elevations above stone walls.
SITE AREA	783 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13 dwellings per hectare
TOPOGRAPHY	Predominantly flat, but raised above the level of Sea Lane.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Trellis fencing and walling to south. Hedging and fencing to other boundaries.
SITE CHARACTERISTICS	A detached 2 storey dwelling with gardens to the front, rear and side. The side garden has recently been cleared and the garage has been demolished. The Sea Lane boundary is a wide grass bank topped by a small tree and shrubs which acts as a landscaped edge.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with predominantly detached properties of mainly 2 storey height in medium/large plots set back from the highway with gardens to the front, side and rear within a spacious low density suburban environment. Foreshore to south of site.

RELEVANT SITE HISTORY

M/32/19/PL	New dwelling & separate garage replacing the proposed new house in the previous planning permission ref: M/7/16/PL - Amendment to M/153/18/PL	ApproveConditionally 08-01-20
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REPRESENTATIONS

Middleton Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer - No Objection

The site is located within the Middleton-on-Sea Estate. The estate has been identified as an Area of Character in the adopted Local Plan (2018), and as a consequence, is a non-designated heritage asset. The changes are acceptable and would not cause harm to the established character of the area. As a consequence, the application should be determined in accordance with the relevant policies within the Development Plan.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Area of Special Character

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY 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.

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 comply with relevant Development Plan policies in that there would be no materially adverse effect on the visual amenities and character of the area or residential amenities.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal seeks to alter the design and appearance of the previously approved replacement dwelling where the principle of redevelopment is accepted.

VISUAL AMENITY AND CHARACTER OF THE AREA

Planning Policies and Central Government advice support efficient and effective use of land. Policy D DM1(1) requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of scale, massing, aspect, siting, layout and density and D DM 1(14) requires scale to 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. 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. Paragraph 130 of the NPPF suggests that Authorities should refuse development of poor design that fails to take opportunities available for improving the character and quality of an area.

A 3 bedroom dwelling of very similar external appearance was approved under reference M/32/19/PL.

The position, footprint, height and scale of the development is therefore approved. The only matters which can be considered at this time are the addition of a bedroom and the changes to fenestration. The site is in a sensitive and prominent location in the Middleton Area of Character. The design and scale of the building is considered to respect this character. The size of the plot is already approved and comparable with others in the locality. The materials have been altered, but are still acceptable and in keeping with the area. The garage is detached and forms part of the courtyard entrance with space for additional parking for two cars. The car parking demand is increased by one space by the provision of an additional bedroom, but 3 parking spaces are already provided in the approved layout so no additional external space is lost to the amendments. The proposal does not impact the space around the dwelling which is retained and ensures that the spaciousness which contributes to the character of the area is not compromised. The garden area has previously been approved.

For the reasons above it is considered that the proposal is compliant with policy D DM1 or the NPPF.

Within Areas of Character, policy HER DM4 of Arun Local Plan requires consideration to be given to 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 area and development should also make a positive contribution to the special character of the area. The approved proposal includes a bank of soft landscaping over flint and brick walling and this unaffected by the development proposed.

Middleton on Sea also has its Village Design Statement which contains a list of Design Guidelines. These refer to new developments being in keeping with the scale of existing developments and well related to existing buildings and space and materials, design, style detailing, layout and form demonstrating an awareness of local context. This proposal is in keeping with the character of the area and the scale of adjacent development. The use of materials comprising slate roof, brick elevations and clay tiles, render, boarding and incorporation of chimneys would comply with the design criteria.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates development will be permitted if it takes into account impact on adjoining occupiers. Good design should contribute positively to making places better for people. The development would not alter the impact on neighbouring properties, no additional windows are being provided at first floor and the bulk and position of the dwelling is as previously approved and is acceptable. The distances to boundaries are retained and are adequate to ensure there are no materially adverse impacts on the residential amenities of neighbouring properties.

Policy DDM1 of the Arun 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. In accordance with policy D DM2 the council is applying the Nationally Described Space Standards. The proposal with a gross internal floor area of 221 sqm is compliant with the adopted standards for an 8 person 4 bedroom house..

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.

The proposal utilises an existing access and provides a new garage and 2 car parking spaces. The proposal provides 3 spaces and 3 are required by the ADC Parking Standards SPD. It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

CONCLUSION

The application is therefore recommended for approval 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 approved shall be carried out in accordance with the following approved plans:
 - Location Plan,
 - Block Plan 20-189-BP
 - Proposed Floor Plans 20-189-21 rev B
 - Proposed Elevations 20-189-20 Rev C
 - Roof Plan 20-189-202
 - Section BB dated 08-10-2019
 - x-Section AA dated 08-10-2019
 - Proposed Landscaping and car parking dated 08-10-2019
 - Drainage diversions dated 08-10-2019

General Arrangement Drawings dated 08-10-2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission M/32/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number M/32/19/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 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 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.