

Recommendation Report for Planning Permission

REF NO: M/94/17/PL

LOCATION: 72 Ancton Way
Elmer
Middleton on Sea

PROPOSAL: Demolition & erection of 1 No. dwelling with integral garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the demolition of the existing dwelling and the erection of 1 no. two storey replacement dwelling with integral garage.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site is open with the rear and side boundaries of the site featuring a mixture of close boarded fencing, brick walling and mature planting of various heights.

SITE CHARACTERISTICS

The site is occupied by a detached bungalow with hard standing forward of the primary elevation and a garden to the rear. The existing bungalow features white rendered walls with a gabled roof with weatherboarding on the primary elevation. The existing property features an integrated garage to the east.

CHARACTER OF LOCALITY

The site is part of a residential street comprising a mixed character with detached properties of 1 and 2 storeys in height set in medium plots set back from the highway with gardens to rear within a suburban environment. The residential properties which characterise the area are of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection.

4 No. letters of objection:

DESIGN/VISUAL AMENITY

- Proposal is out of keeping with the character of the area.
- Area is characterised by bungalows and cabin style properties.
- In terms of scale, appearance and size it does not integrate with existing properties.
- Proposal constitutes overdevelopment of the site.
- Proposal is overbearing and out of scale relating to plot size.

RESIDENTIAL AMENITY

Full length/height windows and patio doors on the rear elevation will give rise to unacceptably adverse overlooking of neighbouring properties.

- Proposal will result in a loss of daylight by virtue of its height of adjoining properties.
- The balcony forward of primary elevation will overlook the front of our property.
- The balcony and patio doors at the rear will overlook our patio to the rear.
- The two windows on the side elevation should be frosted.
- Proposed development would be overpowering on neighbours and the whole street.

HIGHWAY CONCERNS

- The proposed 1.5m high wall forward of the primary elevation will obscure visibility to vehicles existing the property.

DRAINAGE

- Proposal could result in surface water drainage problems.

OTHER

- It is our understanding that a new build should be at least 1m from the adjacent building.

NON-MATERIAL CONSIDERATIONS

- May be detrimental to the value of neighbouring properties.
- If planning permission is granted we can see no possibility of this wall being built, there would be no space for scaffolding.

1 No letter of representation:

- Connection to the existing surface water drain is not acceptable. The only one being the surface water drain installed on Elmer Sands Limited land, to provide a course for water from the road surface. This drain does not have the capacity for water from Ancton Way properties or the wider area. Therefore there is no agreement to connect to this surface water drain owned by Elmer Sands Limited.

Comments on Representations received:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

Consultations responses received:

ENGINEERS (DRAINAGE):

- Please apply standard condition ENGD2A.

SOUTHERN WATER:

- The submitted plans show that there is a sewer crossing the site that might be public which is not showing in our records. It might be possible to divert the existing sewer, so long as this would result in no loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provision.
- Should the applicant wish to divert apparatus:
 1. The sewer requires clearance of 3m either side of the sewer to protect it from construction works and allow for future access for maintenance.
 2. No development or new tree planting should be located within 3m either side of the centreline of the public sewer.
 3. No new soakaways should be located within 5m of a public sewer.
 4. All other existing infrastructure should be protected during the course of construction works.
- Southern Water require a formal application for connection to the public foul sewer to be made by the applicant or developer.
- To protect drainage apparatus, Southern Water requests that if consent is granted a condition is attached to the planning approval.
- Informative requested.
- Alternative means of surface water drainage from this development are required.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

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

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

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 taking 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. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Middleton Parish Council are currently not preparing a neighbourhood plan and as such there are no relevant policies to consider in the determination of this application.

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 situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are deemed to be GEN7 of the Arun District Local Plan and the National Planning Policy Framework (NPPF).

DESIGN AND VISUAL AMENITY

The application seeks planning permission for the construction of a detached two storey art deco inspired dwelling. The proposed dwelling will measure approximately 6.95m in height and will be of a flat roof construction.

The character of Ancton Way is varied consisting predominantly of bungalows interspersed with chalet bungalows and two storey dwellings various designs and styles. The wider character of Elmer Sands is one characterised by dwellings of various designs and styles. Whilst, it is acknowledged that a number of similar bungalows to that of the existing dwelling are present to the north of Ancton Way. It is considered that the demolition and replacement of this bungalow will not adversely impact upon the established character of the locality.

The proposed replacement dwelling by virtue of its design will have a greater presence within the street scene than that of the existing bungalow. However, the proposed development retains the existing building line adjacent to Ancton Road. Whilst, the design will result in greater mass at first floor level, it is considered that the proposal by virtue of its design will not appear overly dominant within the street scene nor will it give rise to unacceptably adverse harm to the established character of the locality.

The proposed replacement dwelling will be situated a maximum of 2.08m from the eastern boundary of the site adjacent to the highway and 0.49m from the western boundary of the site. The distance from the western boundary will remain unchanged from that already present at the site whilst the distance to the eastern boundary will be greater. Despite the proposals two storey design the proposed development will retain the existing spatial pattern of the street scene.

Therefore, by virtue of the above it is considered that the proposed development will accord with policy GEN7(ii) of the Arun District Local Plan.

The application includes the erection of a wall and gates measuring 1.5m in height forward of the primary elevation adjacent to the highway. It must be considered that Ancton Way is a private road and as such does not constitute a highway. Therefore, under Schedule 2, Part 2, Class A of

the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the erection of a boundary wall and gates up to 2m in height would benefit from permitted development rights. Given this it is considered that the proposed wall is acceptable.

RESIDENTIAL AMENITY

The proposed dwelling has been designed with 2 no. high level windows on the western elevation and only a ground floor doorway on the eastern elevation. The proposed high level windows on the western elevation are shown as being situated 1.7m above floor level and will serve the first floor bathroom and provide a second window to bedroom 1. It is considered that the window to bedroom 1 by virtue of its height and location will not give rise to any unacceptably adverse overlooking. A condition has been included requiring the first floor bathroom window to being obscurely glazed and non-opening below 1.7m.

The proposed dwelling will extend approximately 0.9m to the rear of 70 Ancton Way and 3.8m to the rear of 74 Ancton Way. The Council have adopted a 45-degree rule as a tool to balance the interest of those persons wishing to alter their dwellings and their neighbours by ensuring that alterations do not seriously impact upon neighbours outlook or daylight. In this instance the mid point has been taken of the neighbours window and the proposal accords with this rule. By virtue of the compliance of the proposal with the 45-degree rule, in conjunction with the limited projection to the rear of 70 Ancton Way and the separation distance between 72 and 74 Ancton Way of the dwellings will not give rise to unacceptably adverse overbearing impacts on neighbouring properties.

The proposed dwelling by virtue of its two storey design and siting will give rise to some overshadowing of 70 and 74 Ancton Way. However, it is considered that this overshadowing on balance will not result in unacceptably adverse harm to the residential amenities of neighbouring properties. It has been considered necessary to remove permitted development rights for the construction of rear extensions. This will prevent the construction of any further development to the rear of the host dwelling avoiding any additional overbearing or overshadowing impacts upon the amenity of adjoining properties.

Objection has also been raised in relation to overlooking of the rear gardens of neighbouring properties from the first floor windows in the proposed dwelling. These windows would not overlook the area immediately to the rear of 70 and 74 Ancton Way. Whilst, there will be windows at first floor level which were previously not present at the site it is considered that the relationship between the proposed dwelling and its neighbours is no different from that which can be expected in any other residential area. Therefore, it is considered that the proposed windows to the rear of the dwellinghouse will not give rise to unacceptably adverse overlooking.

Concern has also been raised by neighbours in relation to the proposed balcony at first floor level on the primary elevation of the host dwelling. However, it is considered that this balcony will not give rise to unacceptably adverse overlooking. Due to the balconies location forward of the primary elevation it will only provide views towards the parking areas forward of the primary elevation of neighbouring properties. Given that these parking areas are clearly visible within the street scene there is no identified harm created by the proposed balcony to the residential amenity of neighbouring properties.

By virtue of the above it is considered that the proposal will accord with policy GEN7(iv) of the Arun District Local Plan.

The proposed dwelling will have a gross internal floor area of approximately 172.6m² which will exceed the 102m² specified within the Nationally Described Space Standards. Therefore, it is considered that the size of the dwelling is acceptable in accordance with paragraph 17 of the NPPF.

The rear garden will measure approximately 13.5m in depth and a minimum of 5m in width. By virtue of its size the garden for the proposed dwelling will meet the requirements of policy D DM3 of the modified emerging Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below 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

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;

- Proposed Site Block Plan - Dwg No. N265 PL02
- Proposed Elevations - Dwg No. N265 PL05
- Proposed Elevations - Dwg No. N265 PL06
- Proposed Floor Plans - Dwg No. N265 PL04
- Proposed Sections A-A, B-B & C-C - Dwg No. N265 PL07
- Proposed External Details - Dwg No. N265 PL08

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 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and 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 GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 Should it be necessary to divert the existing public sewer, then the developer prior to the commencement of development shall advise the Local Planning Authority, in consultation with Southern Water, of the measures which will be undertaken to divert the public sewer.

Reason: In accordance with policy GEN7 of the Arun District Local Plan and the NPPF.

- 6 The first floor window on the western elevation serving the first floor bathroom shall be obscurely glazed and non-opening below 1.7m from floor level from the room in which the window is installed.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District

Local Plan and the NPPF.

- 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.
- 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.