

Recommendation Report for Planning Permission

REF NO: M/99/18/PL

LOCATION: 14 Baldwin Close
Middleton-On-Sea
PO22 6RQ

PROPOSAL: 1 No. 2-bedroom semi detached dwelling with cycle shed and bin storage. Single storey rear extension to No.14 Baldwin Close with shed for cycle storage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed new dwelling will have two bedrooms and be suitable for occupation by up to 4 people, It would have its own rear garden with shed for cycle storage. The proposal would provide for one off street car parking space. The dwelling would be 5m to the eaves and 7m to the ridge to a depth of 8.2m. The footprint of the dwelling would be set 1m back from the building line of the neighbouring and attached dwelling No.14. The host dwelling proposes a shed for cycle storage in the rear garden plus a single storey rear extension measuring 1.6m in depth X 3.6m width X 2.3m eaves height and overall 3m to pitch height.
SITE AREA	0.0132 ha.
RESIDENTIAL DEVELOPMENT DENSITY	76 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	One to be removed to allow for the siting of the new dwelling.
BOUNDARY TREATMENT	1.8m high close boarded fencing would surround the garden curtilage of the site.
SITE CHARACTERISTICS	The host premises is a semi-detached dwelling linked to a block of flats.
CHARACTER OF LOCALITY	Predominantly residential. The immediate character of the area is one of semi detached dwellings and flat blocks organised around a tree lined cul-de-sac within an open plan context.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Middleton Parish Council object on the ground of overdevelopment of the site.

2 letters of objections covering the following issues:

- (1) Disturbance during the period of construction.
- (2) Potential restricted access to existing allocated parking spaces.
- (3) Removal of a large tree.
- (4) Concerns with a building so close to boundary with no. 11 and two windows facing directly towards that property.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objectors comments are noted and shall be considered within the report's conclusions. The comment in regard to temporary disturbance when implementing the permission is not considered as a material consideration to this case and is covered by Environmental Health legislation.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - The Local Highways Authority does not consider that this proposal would have 'severe' impact 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 proposal.

ADC DRAINAGE ENGINEERS - Please apply standard condition. Soakaways must be investigated for surface water disposal (winter months).

SOUTHERN WATER - No objection subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:
Within Built Up Area Boundary;
Class D Road;
PD Restriction/Open Plan Condition.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
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 District Local Plan 2011-31, 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.

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.

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.

Middleton-on-sea has no adopted Neighbourhood Plan to consider.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties and 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 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)).

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 (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 is a mix of dwelling types comprising two storey dwellings and residential flat development. The proposal would allow for a semi-detached dwelling on land which is currently serving No.14 as a parking area. The immediate context of the area is one that has been sensitively planned at the time of the original layout; this is noted by the layout plan where the orientation of dwellings to one another is so as to mitigate harm whilst creating an existing living environment that is sensitive to the density and footprint of existing dwellings.

As a result of the proposed development the relationship between certain properties would be compromised. Although the design compliments the character of the immediate area, the scale, massing and location of the proposed dwelling would result in an adverse impact on the appearance and character of the area to its detriment. The location of the proposed dwelling at the end of the cul-de-sac is such that it is designed so as not to appear in keeping with and subservient to the host dwelling. Its siting is approx. 10m from No.11 allowing for a dwelling that would feel cramped within the street scene setting. The introduction of a further dwelling would, in the manner proposed, detract from the established character to its detriment.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the house is suitable for residential

use.

For the type of dwelling proposed the required space standard is 70m². The proposed floor area would be 66m² and therefore the dwelling is not designed in accordance with the standards which are contrary to Policy D DM2.

Although measured at an approximate length of 8m and a width of 8m the rear garden provides an adequate level of amenity space to serve the property, notwithstanding this, the internal space as proposed makes for an unacceptable overall living environment.

RESIDENTIAL AMENITY:

Local residents have expressed concern regarding the impact of the proposal on their 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 neighbouring occupier at No.11 raises an objection to the two new windows proposed to the south elevation and their impact on existing privacy.

Officers note from plan AR-129-04 that both the ground floor and first floor side windows (south elevation) are finished with obscure glazing and fixed shut which will ensure that no undue overlooking would occur, however, due to the siting (at a 10m distance) the proposal is considered to be overbearing and dominant contrary to policies D SP1 & D DM1 of the Local Plan.

Although the distance with no.14 Henfield Way is just over 12m to the rear of the proposed dwelling, with the level of screening, and orientation between dwellings makes for an acceptable relationship in terms of the impact on the residential amenity enjoyed by no. 14 Henfield Way.

REAR SINGLE STOREY EXTENSION To Rear of No.14

Policy D DM4 of the ALP refers to extensions and alterations to existing buildings. The extension should be sympathetically designed and visually integrated with the existing building (a) without causing an adverse impact in terms of overshadowing, overlooking or overbearing onto neighbouring occupiers (b). The rear addition to the host dwelling no.14 is considered to be subservient and at a scale that would not cause undue harm to the amenity of neighbouring occupiers. No ground floor windows would appear to cause undue overlooking onto neighbouring occupiers.

It is considered that this element of the proposals is acceptable and complies with Policies D DM1 & D DM4 of the Local Plan.

PARKING & HIGHWAY SAFETY:

Local residents have expressed concern regarding access to the current allocated parking spaces in close proximity to the siting of the new dwelling. The retained space for access onto the side of number 11 where parking for that property takes place will be approximately 4m - a distance considered sufficient to enable access.

Arun Local Plan Policy T SP1 seeks to ensure that development provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application has been assessed by WSCC Highways who do not raise any adverse safety on the Local Highway arising from the proposal.

The applicant proposes one parking space per dwelling, to be provided on the site frontage. These spaces meet the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MFS). The WSCC parking demand calculator expects that a minimum of two parking spaces will be required per dwelling in this location. One space is therefore an under provision in this case. However, one space per dwelling seems to be the existing going rate in the area and there are no parking restrictions to prevent on street parking where road space in the vicinity of the site for parking appears to be adequate.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and the NPPF.

TREES

The tree to be removed is not considered to have amenity value worthy of retention by the imposition of a Tree Preservation Order. It appears to be leaning to one side and its amenity value to the locality is limited due to its considerable set back within the site. The street is well served by a number of trees prominently located within the street scene.

SUMMARY:

This proposal is detrimental to the street scene setting and results in a cramped development detracting from the existing living environment and adversely impacting on the neighbouring occupier at No.11 Baldwin Close.

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

REFUSE

- 1 The proposal by virtue of its layout, position, footprint and height, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development, damaging the character and visual amenities of the surrounding residential area and have a unacceptable overbearing and unneighbourly impact upon the occupiers of 11 Baldwin Close contrary to policies D SP1, D DM1, D DM2 of the Arun Local Plan, & the National Planning Policy Framework.
- 2 **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.