

Recommendation Report for Planning Permission

REF NO: P/117/19/PL

LOCATION: 36 East Front Road
Pagham
PO21 4SU

PROPOSAL: Replacement of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of 1 dwelling. The new property will has a redesigned front garden which will include an outhouse building similar in appearance to the main building for use as a home office and storage area. A lower ground floor is proposed for storage. Solar panels are proposed for the roof which will be no higher than neighbouring properties. The floor level would be above the beach shingle level. The latest insulation materials are proposed for the building which would have high U values and the building would be clad in eco friendly materials.
SITE AREA	413 sqm/ 0.0413 Hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	24 dph (same as existing)
TOPOGRAPHY	When viewed from East Front Road the site rises approx. 1m from the road level to the finished floor level of the dwelling. The site is just beyond the foredune area and is approx. 40m from mean high water level.
TREES	None of significance affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by low walling which varies in height due to the topography of the site. There is a dwarf wall with trellis fencing above along the western and eastern boundary with direct access to the beach. The northern boundary is distinguished by a low wall, broken hedgerow and a detached garage.
SITE CHARACTERISTICS	The site is occupied by a single storey residential dwelling with a low pitched roof. There is a detached garage/shed in the front garden. The front boundary is broken hedgerow with an area of hardstanding sufficient for the parking of one vehicle. The front garden slopes slightly from north to south
CHARACTER OF LOCALITY	The development is in a residential location with a variety of different dwelling designs. East Front Road is just beyond the foredune area of Pagham beach. A row of residential

dwellings occupy a line just behind the ridge of the foredunes, above the beach area and above the street level behind.

Littoral or longshore drift has carried material from the southwest along the beach to form a spit a few hundred metres from the site. This spit has grown quickly in recent years but it is a natural process. The land on which Pagham Beach now sits is a shingle spit which grew up after 1875. It should be noted that just as the rate of material coming along the beach from the west has increased, it could also reduce.

According to the Pagham to East Head coastal defence strategy 2010 large shingle banks in front of and on either side of Pagham Harbour, provide the defences in this area. It is anticipated that erosion to the north of the Harbour entrance will lead to the loss of 160 houses built on the shingle bank at Pagham Beach. This area falls in Flood Zone 3 from tidal sources and groundwater flooding owing to the underlying geological conditions.

No relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council - OBJECT. Design not in keeping with Policy D DM1 of the Local Plan 2018. Design not in keeping with the street scene, does not reflect or improve the site or surrounding area.

Representations: Support

- Design will add to/improve overall look of the road in keeping with the original individuality of this road.
- No objections to the proposed planning and fully endorse the application
- Delighted to see that building designed in very modern contemporary style. Not just another boring dated bungalow. It is what is required to help rejuvenate the look and feel of East Front Road. Hoped future new builds along EFR will follow the same unique contemporary style.

The summarised reasons for objection are:

- The proposal has no regard for the Area of Character.
- The proposal is contrary to Policy D DM1 of the Arun Local Plan 2018
- The proposal conflicts with the street scene
- The proposal would result in overdevelopment of the site with inadequate garden space.
- There should be enough on-site turning space.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections from the Parish Council and neighbours are addressed in the conclusions.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Natural England
Environmental Health
Environment Agency

CONSULTATION RESPONSES RECEIVED:

Natural England - No objection Based on plans submitted, Natural England considers the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environmental Health - No objection/comments.

Arun Engineering Services Manager - OBJECT. Pagham Beach is a highly designated site in terms of geomorphology, flora and fauna. The beach on which the estate is constructed is dynamic and in the past 10 - 15 years we have seen the growth, breach and redistribution of a shingle spit emanating from the Church Norton side of the harbour channel.

This may seem like a long distance away from the site but coastal processes are such that effects (natural or otherwise) can be seen at some considerable distance and over a long timescale.

The beach has suffered from erosion over the past 10 or so years in various places - those places being correlated to the length of the spit. The spit naturally breached in 2016 but the effects are still evident - especially on East Front Road.

36 East Front Road is more or less in the centre of the current erosion zone and this Council is spending considerable amounts of money to maintain the beach, to reduce flood and erosion risk. Whilst the Shoreline Management Plan policy is to hold the line and the Coastal Defence Strategy option to achieve that policy is Adaptive Management, there is no guarantee of funding to achieve it. Indeed, any government funding (based on numbers of homes) for protecting the wider area, would not be able to count a new home, as it would have been built after a cut-off date in 2012. The Council's Engineer is unable to provide a suitable level of confidence that this site would be a safe development site for the time being. It is concluded, given the vulnerable status of the area, that this development cannot be considered to be a sustainable form of development and would be contrary to the aims and intentions of the NPPF.

A Coastal Change Management Area has not been declared for this part of the coastline but the issues above point to a special condition that combined reasons leads the Engineer to object.

Arun District Council Drainage Engineer- No comments received

Environmental Agency- No objection subject to the imposition of a condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built up Area Boundary

2km Buffer for Site of Special Scientific Interest Bognor Reef
 2km Buffer for Site of Pagham Harbour
 Area of Character
 Flood Zone 3

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
WSP1	W SP1 Water
WDM4	W DM4 Coastal Protection
WDM2	W DM2 Flood Risk
HERDM4	HER DM4 Areas of Special Character

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.

The Pagham Neighbourhood Development Plan 2014- 2029 is at Reg 14 Pre-submission consultation and publicity stage.

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 the development would be in an unsustainable location, susceptible to erosion and ensuing flooding, contrary to policy ECC SP1 of the Arun Local Plan and paragraphs 149, 155 and 167 of the NPPF 2019.

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 proposed development 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 policies considered are D DM1, D DM4, ECC SP1 and HERDM4 of the Arun Local Plan.

Pagham has an emerging Neighbourhood Plan however none of the policies are relevant to the application.

The site lies in a designated Area of Character where development must be sensitive to the characteristics identified in the Area of Special Character Supplementary Planning Guidance document (2005). The proposal is for the replacement of a single storey sub standard detached single storey bungalow.

PAGHAM BEACH ESTATE AREA OF CHARACTER:

The character of Pagham Beach Estate derives from the distinctive consistency of scale, height (single storey without accommodation in the roofs), layout, form and spacing and from the individual designs of the buildings. Roof pitches rarely exceed 30 degrees and the buildings are almost all entirely detached. The proposed dwelling is in accordance with these special considerations in that it is detached and with a flat roof.

The Area of Character identifies that properties in the Pagham Beach are generally of a single storey design. The proposal includes a store/office at road level, that is lower than the finished floor level of the dwelling. As the proposed store/ office can not be accessed internally, and is not directly beneath the dwelling it is not considered that the building would be contrary to the Area of Character designation. The landscaping proposed to the east of the store/office helps create a visual separation between the two levels and demonstrates how the proposal responds to the topography of the site.

The development will be slightly higher than the existing property which it replaces but not be higher than adjacent properties at 34 and 38 East front Road. The replacement dwelling has a larger footprint than the existing but is single storey with a flat roof. It proposes a more modern design but with the mixture of designs in the street scene it is considered sympathetic to the character of the area. The dwelling would not appear dominant or intrusive in a street scene characterised by modest, low-profile dwellings and would not harm the character and appearance of the Area of Character.

DESIGN AND VISUAL APPEARANCE:

Arun Local Plan policies reiterate Section 12 of the NPPF in that policy D SP1 of the Arun Local Plan requires all development proposals 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. Policy D DM1 sets out a 15 point criteria against which development is assessed. Further, Policy D DM4 of the Arun Local Plan requires accordance with 5 point criteria when assessing applications for extensions and alterations to existing buildings. Paragraph 127, 130 and 131 of the NPPF are relevant.

Para 127 of the NPPF states decisions should ensure development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places with a high standard of amenity for existing and future users.

Para 130 of the NPPF states where the design of a development accords with clear expectation in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Para 131 of the NPPF states in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy D SP1 of the Arun Local Plan is consistent with the above paragraphs of the NPPF in that it requires development proposals to reflect the characteristics of the site and local area in their layout, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Local Plan mirrors para 127 of the NPPF in that it sets out a criteria against which development should be assessed against; including character, appearance/attractiveness, impact, innovation, layout, density and scale.

The dwelling would have a redesigned front garden which will include an outhouse building similar in appearance to the main building for use as storage or a home office. The existing garage would be demolished and in its place would be an area for bin storage and a gravelled parking area for two cars.

The dwelling would have three bedrooms, lounge and kitchen and outdoor decking area at the rear. Steps lead to the front door outside of which would be a paved terrace area with a stainless steel and glass rail perimeter. Facing the beach at the rear would be sliding doors for the lounge and dining room.

A lower ground floor is proposed for storage. Solar panels are proposed for the roof which would be no higher than neighbouring properties. The proposed floor level would be above the beach shingle level.

The latest insulation materials are proposed for the building which would have high U values and the building would be clad in eco friendly materials.

The existing dwelling is of little visual merit and is set back 20 metres from the front boundary. Nearest the road is a garage of differing design. To the front is a small unkept garden area, at the sides of which is a dwarf wall with trellis fence above.

The footprint of the replacement dwelling would be approx. 50% larger than the existing bungalow. The front elevation would protrude nearly 3m beyond the existing, however the gap between the side elevations and the boundary with 34 would not be reduced. The gap between the side elevations and the boundary with 38 would be reduced by approx. 1m but a distance of approx. 1m is maintained. The property is set in a plot size typical of the area and the removal of the garage ensures the proposal does not appear cramped compared with others elsewhere in the street. The proposal would be taller than the existing, with the apex of the proposed dwelling being 5.9m high at the front and 3.8m high when viewed from the beach but, as mentioned, would not be taller than the dwellings on either side.

Whilst the dwelling has a flat roof rather than a pitched/hipped roof like that of neighbouring dwellings it is comparable with other dwellings in the Pagham Beach area of special and is of a modern design.

The design comprising rendered walls with neolife eco cladding and a green mineral rubber roof with solar panels, is innovative and individual in character. This is in line with the adopted Supplementary Planning Guidance which states "The estate is characterised by a wide range of individually designed properties, both old and new... The use of non-traditional materials e.g. glass, stainless steel, zinc metal, cladding of appropriate colour etc. could be appropriate provided the design is innovative and is reflective of the coastal location." In this case its design is consistent with this adopted guidance which carries significant weight in the consideration of applications in the area.

Taking the above factors into account, the design would comprise a positive addition to the street scape and represents an organic addition to the local character and history in terms of the surrounding built environment. In terms of design and visual amenity the development accords with paragraphs 127, 130 and 131 of the NPPF and Policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY:

Policy D DM1 of the Arun Local Plan requires development to have minimal impact to users and occupiers of nearby property and land. Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Policy D DM4(b) and (c) of the Arun Local Plan requires that extensions and alterations to existing buildings to provide a high standard of amenity that does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Further, Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Paragraph 127(f) of the NPPF requires decisions to ensure that developments create places with a high standard of amenity for existing and future users. Policy QE SP1 of the Arun Local Plan is consistent with para 127(f) of the NPPF in that it requires all development to ensure that development does not have a significantly negative impact upon residential amenity.

The building comprises a single storey is over 1m from site boundaries on all sides. The front elevation would be approx. 1.5m forward of the existing building line which is acceptable. The neighbour's amenity will be maintained by the use of obscure glass windows along the west and east elevation as well as by the construction of a 1.8m high wall at the end of the west elevation for the decking area.

A new 1.8m high wooden fence is proposed for each side boundary. Given that the dwelling is single storey and that the obscure glass windows along both elevations can be conditioned it is considered adequate amenity will be maintained for neighbouring dwellings.

It is considered the proposal would not result in any significant overlooking or overshadowing to the neighbouring properties and complies with policy D DM1, D DM4 & QE SP1 of the Arun Local Plan

FLOODING ISSUES/ COASTAL EROSION:

Policy ECC SP1 of the Local Plan states the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness of biodiversity.

In order to achieve this, development must be designed to take account of, among other things, location.

According to mapping on the Environment Agency's website, the site lies in Flood Zone 3. The applicants have provided a Flood Risk Assessment and the Council has sought advice from the Environment Agency, who have no objections, subject to the imposition of a condition.

The District Council's engineers object to the proposal and are of the opinion that the proposal, given the vulnerable status of the area in terms of flooding and erosion, cannot be considered to be a sustainable form of development as there is no guarantee of funding to maintain this shoreline or protect these homes.

The proposal is not considered to comply with Policy ECC SP1 of the Local Plan 2018.

HIGHWAY ISSUES

The applicant has demonstrated a parking provision of 2 spaces. This accords with ADC parking demand calculator for a dwelling of this size and location. The proposal is acceptable in terms of highways.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The requirement for the new dwelling is 74 square metres (being a single storey, 3 bedroom, 4 person occupancy) and the floor plans indicate a total internal floor area of approx. 130 square metres. The proposal complies with the stated standard.

In respect of external standards it is necessary to have regard to policy D DM3 of the emerging Local Plan (publication version) which has been approved by the Council for development management purposes and has also been subject to testing on appeal. The requirements for the proposed dwelling is a rear garden of at least 10m deep and 100m² in area. The proposal does not comply with either requirement but this is acceptable having regard to the existing situation and the proximity of the site to nearby recreation opportunities such as the beach.

Under policy ENV DM2 £871 towards the provision of accessible natural open green spaces to serve the Pagham Harbour area is not required here as its a replacement dwelling.

SUMMARY:

It is recommended that the application is refused for the following reason:

HUMAN RIGHTS ACT

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.

CIL DETAILS

The Council has recently adopted a new Community Infrastructure Levy on 1st April 2020.

Details of the charging schedule can be found here:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n14676.pdf&ver=15027>

"Self build" development does not require CIL contribution.

RECOMMENDATION**REFUSE**

- 1 The proposal conflicts with relevant Development Plan policies in that the development is in an unsustainable location, susceptible to coastal erosion and ensuing flooding, contrary to policy ECC SP1 of the Arun Local Plan and paragraphs 149, 155 and 167 of the NPPF 2019.
- 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(s) 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.