

Recommendation Report for Planning Permission

REF NO: P/25/18/PL

LOCATION: Jenin
Nyetimber Lane
Pagham
PO21 3JT

PROPOSAL: Demolition of existing garage, roof alterations to existing dwelling to provide first floor & 1 No. new bungalow dwelling in garden of existing dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is as follows;

1) The proposal is in effect to re-build the existing bungalow on the existing footprint replacing all facing materials and roof tiles.

a) Extend the roof of the existing property which is currently a pitched roof 5.9 metres in height to a hip roof at 8.1 metres in height also including 6 dormer windows 1.5 metres wide by 2.1 metres in height in the side elevations set back 1.8 metres from the eaves level of the main roof metres.. The eaves level of the main hip roof would remain at 2.5 metres in height, It would allow for the construction of a first floor including four bedrooms and two bathrooms.

Two of the dormers on the east elevation facing a neighbouring bungalow Sportsview would be bedrooms with first floor secondary bedroom windows.

b) In addition the dwelling would be re-orientated the use the existing side garden as the rear garden.

c) The proposal would include demolishing the existing detached garage to the side of the property returning the footprint of the garage to rear garden land.

2) Subdivide the plot and construct a new dwelling to the rear.

The house would be 12.3 metres in length and depth of 8 metres. It would face sideways to the main road with primary front elevation facing west toward the existing vehicular accessway 'Priors Way and the rear garden of the neighbouring property beyond the way ' Treliske' at a distance of 8 metres and the rear elevation would face east toward the rear garden of Sporttsview to the east at an average distance

of 8.2 metres. The side elevations facing toward Llamedos a bungalow to the north and the existing property at Jenin would not include any windows above ground floor level.

The new property is designed as a single storey three bedroom property with hipped roofs.

The proposed dwelling would face the existing vehicular accessway to the side of the property and at first floor level would

SITE AREA	0.07 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approx. 30 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1 metre wooden fence and hedging to the front with a 2 metre close boarded fence to the rear garden.
SITE CHARACTERISTICS	A small bungalow on a large plot with a large detached garage and store room to the side of the property. The property currently has a large rear garden.
CHARACTER OF LOCALITY	A predominantly residential area opposite Pagham Football Club sports club on Nyetimber Lane. There is no one distinctive style of dwelling with a mixture of bungalow and two storey properties from mock tudor to modern in close vicinity to the applicant's dwellinghouse.

RELEVANT SITE HISTORY

P/31/84	Garage And Car Port	ApproveConditionally 02-05-84
P/86/86	Lounge & Kitchen Extension	ApproveConditionally 05-09-86

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council
 Pagham Parish Council
 Objection on the following grounds;

- The width of the access as described in the application may not be achievable. There is a hedge which

obstructs the full 12ft which is not in the ownership or control of the applicant.

- The application would result in overdevelopment of the site. The new building is not subservient to the main building, contrary to Dev19 of the ADC Local Plan 2003 and Policy D DM1 Para 1 Character of the emerging ADC Local Plan 2011-2031.

- There are overlooking issues from both the extended existing property and new property, particularly affecting "Sports View"

7 letters of objection including all of the immediately adjoining neighbours.

Out of character given predominantly single storey dwellings in the area.

Poor quality design and layout.

Insufficient parking.

Traffic problems due to dangerous road

Dangerous access from Prior Waye to Nyetimber Lane.

Proposed access onto Priors Waye width of way is only 3 metres not 5 metres as claimed.

Safety of pedestrians and cyclists compromised as a result.

Lack of room for manouvering on Priors Waye.Turning head on site needed.

Access 9ft wide not 12 ft as stated.

Overlooking of neighbouring properties.

Overlooking of new dwelling toward swimming pool at Treliske immediately to the West.

Overdevelopment. 8 bedrooms on 2 small plots.

Contrary to Pagham Village Design Statement.

Loss of privacy.

Loss of wildlife.

Disruption during construction.

Lack of site analysis.

Plot size of divided property out of character with the existing area.

Height and bulk of new dwelling dominant in the street scene of Priors Waye.

Overbearing impact on Llamados as in front of the building line.

Development of garden contrary to open quality/character of the area.

Adverse impact on visual and residential amenities.

Contrary to GEN 7 of the Arun District Local Plan, Policies D DM1, D DM4 & SP1 of the Emerging Local Plan and the Pagham Village Design Statement.

Garden grabbing - development inappropriate on small plot.

Property meets minimum density requirements but not normal development control considerations.

Development of new house fails to respond positively to the identified characteristics of the site and surrounding area.

The following matters were raised which are not Material Planning Considerations;

No right of access over Priors Waye.(private legal issue).

Loss of value of neighbouring properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The issues raised are addressed in the report below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)
 WSCC Strategic Planning
 Natural England

CONSULTATION RESPONSES RECEIVED:

WSCC - No objection subject to conditions and informatives.

ADC Drainage - No objection subject to conditions and an informative.

Natural England - No objection subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN

CLASS C ROAD

DEVELOPMENT PLAN POLICES

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

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 -2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Arun District Local Plan was adopted on 18th July 2018.

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.

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site.

This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

The following policy is considered to be relevant to this application but only insofar as the site is located within the built up area boundary:

Policy 1 "A Spatial Plan for the Parish":

"The Neighbourhood Plan directs development proposals within the Built Up Area Boundary, as shown on the Proposals Map, provided they accord with other provisions of the Neighbourhood Plan and development plan. Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policy in respect of the control of development in the countryside."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 visual amenities of the locality and the residential amenities of the adjoining properties.

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 principle of new dwellings on back land site is considered acceptable within the built up area boundary.

Essentially, two new dwellings are proposed on the plot. Plot 1 would be a replacement dwelling at Jenin and Plot 2 would be a new dwelling to the rear of Jenin with a frontage to Priors Waye.

DESIGN AND VISUAL AMENITY

Plot 2 would not be directly visible from the street scene but obscure views would be possible. The scale and design of the bungalow is considered to be consistent with surrounding properties. Materials have not been specified so a condition requiring submission of details could be imposed.

Plot 1 would be a significant change and would introduce a dwelling of significantly greater scale. That

said, there are examples of two storey dwellings in the locality. The scale of building is considered acceptable.

However, both proposed plots would be very small and have limited residential garden areas. The maximum depth of the garden on Plot 2 would be 8m (minimum 6.5m). Plot 1 would have a side garden with a maximum depth of 9m (minimum 8m). Further, both plots have only a single off street parking space proposed with Plot 1 only having a car parking space of 5.5m in length. This is likely to be insufficient to leave enough space to open a traditional garage door. The garage proposed for Plot 1 is only 5m in depth and 2.25m in width and is not sufficient for a parking space (minimum 6m x 3m). There is no garage proposed at Plot 2.

The above demonstrates that the proposals are an over development of the plot with insufficient external spaces to provide a form of development that would not appear unduly cramped in the street. They would therefore be contrary to Arun Local Plan policy D DM1 and D DM4.

NEIGHBOURING RESIDENTIAL AMENITY

The dwellings would not be large enough, even with the increase in size as a result of the gable end roofs and enlarged garage to result in adverse loss of light or overshadowing to neighbouring gardens.

However, three dormer windows are proposed on the east facing elevation to Plot 1. These would serve two bedrooms and a bathroom and would directly look into the side of the adjoining property. This would result in overlooking and an overbearing impact to this property.

Plot 2 would be a single storey dwelling with no rooms in the roofspace. There would therefore be no opportunity for overlooking from this property into adjoining plots.

HIGHWAYS SAFETY AND PARKING

Each plot has one off street car parking space. Plot 1 has an integral garage. As mentioned, the provision of this space for Plot 1 is unduly restrictive and insufficient and internal dimensions of the garages is not sufficient for them to be used for the purpose of parking vehicles.

WSCC have no objection to the turning space or access to the site for vehicles but have requested condition for site parking and turning area to be completed before the dwelling is occupied. These conditions will be attached. Cycle parking can be provided within the proposed garage.

SURFACE WATER DRAINAGE AND FLOODING

The site is not within the Lidsey Catchment Area but is likely to have a historic drainage ditch located on the west boundary. As such, a condition could be attached which will protect the drainage ditch if discovered. No significant works are proposed on that side of the site and the ash tree is being retained.

PAGHAM HARBOUR PROTECTION

The site is very close to the protected Pagham Harbour. Applications for new dwellings are required to pay £1275 per unit. This is to fund the protection of this site from the additional footfall new dwellings will generate. The applicant has submitted a signed Unilateral Undertaking and agreed to make the payment on commencement of works.

BINS AND WASTE

The bins and waste storage area is shown to be behind the proposed garage. However, this is too far for waste collectors to fetch the bins from the highway. As such a condition could be added requiring details of proposed bin storage and collection. There is space closer to the highway for the bins to be stored and residents could then either move the bins to the highway. Or come to an agreement with waste collectors to fetch the bins from within the site and leave them at the vehicles entrance.

TREES AND LANDSCAPING

The two trees to be removed are not considered to add significant amenity value as they are not directly visible from the street scene. The retention of the ash tree is welcome but no additional landscaping is required. The planting of the garden can be left to the future occupants.

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.

SECTION 106 DETAILS

£1275 has been agreed to be paid through a Unilateral Undertaking on commencement of works towards the protection of Pagham Harbour.

RECOMMENDATION

REFUSE

- 1 The proposed dwellings would have insufficient external amenity space and off street car parking provision. There would also be overlooking of adjoining properties from the replacement property - Jenin. The proposals would appear as an overdevelopment of the site to the detriment of the character of the area and result in unacceptable levels of overlooking contrary to Arun Local Plan policies DDM1 and DDM4 and paragraphs 122, 127 and 130 on 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(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.