

**Recommendation Report for Planning Permission**

**REF NO:** P/28/13/

**LOCATION:** 14 Churchill Walk  
The Parade  
Pagham

**PROPOSAL:** Dwelling house and parking space (resubmission following P/33/12/)

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | The proposed two storey dwelling on garden land is a re-submission of a previously refused application P/33/12. The existing garage to the rear which currently serves 14 Churchill Walk is to be demolished and will be incorporated into the application site. A new parking space to the front of the site is to be created for No 14 Churchill Walk. |
| SITE AREA                   | Approximately 169 square metres.                                                                                                                                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                                                                                                                                      |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                                                                                                                                                                                                       |
| TREES                       | None affected by the proposal.                                                                                                                                                                                                                                                                                                                           |
| BOUNDARY TREATMENT          | The site is currently enclosed by close boarded fencing approximately 1.8m in height.                                                                                                                                                                                                                                                                    |
| SITE CHARACTERISTICS        | The site forms the side garden of No 14 Churchill Walk which is an end-of terrace two storey property with garage to the rear which is to be demolished.                                                                                                                                                                                                 |
| CHARACTER OF LOCALITY       | Churchill Walk comprises two storey terraced dwellings with garages to the rear, some of which have parking to the front. Detached bungalow and flats to the north of the site, western side has a parade shops with commercial and residential uses with flats above. The immediate area is open plan in character and appearance.                      |

**RELEVANT SITE HISTORY**

|          |                                                                                                                                                 |                                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| P/21/05/ | Side extension to property to accommodate 2 new bedrooms, ensuite bathroom, new utility room and extended lounge.                               | Approve Conditionally<br>21-04-2005 |
| P/7/08/  | Erection of one no two bedroom house adjacent to 14 Churchill Walk Pagham.<br>Demolition of existing garage & replacement with 2 parking spaces | Refused<br>12-03-2008               |

|          |                                                                                                                                      |                                                                      |
|----------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| P/94/08/ | Erection of one no. 2 bed house, demolition of existing garage & replacement with 2 parking spaces (Re-submission following P/7/08). | Approve Conditionally<br>23-09-2008                                  |
| P/36/11/ | 1 no. 2 bed dwelling, parking & landscaping - amendment to planning approval P/94/08/                                                | Refused<br>29-09-2011                                                |
| P/2/12/  | Erection of 1 no 2 bedroom house (amendment to planning approval P/94/08/).                                                          | Refused<br>09-03-2012                                                |
| P/33/12/ | Dwelling house and parking space (Re-submission following P/2/12).                                                                   | Refused<br>29-06-2012<br><br><b>Appeal: Dismissed<br/>13 03 2013</b> |
| P/51/78  | Erection of fence                                                                                                                    | Refused<br>21-06-1978                                                |

## REPRESENTATIONS

### Representations received:

Pagham Parish Council

#### Objection

Members felt that the concerns they expressed in respect of previous submissions for a new dwelling on this site were still valid. This was an enclosure and hence reduction of the previously open aspect which is a feature of the 1960 s estate.

It was felt to be an inappropriate and ill-matched addition to a standardised and regular design of terrace. It had previously been the subject of flood risk assessment, having regard to the 2008 Coastal Defence Strategy, associated EA flood maps and subsequent SFRA indicative sea incursion.

NPPF advocates sustainable development, having regard to climate change/tidal rise predictions and the provisions of PPS25, new development adjacent to an erosion zone might thus be deemed non-compliant.

#### Local Plan Policies:

GEN10(ii) appropriate defence unacceptable risk mitigation measures GEN7(ii) responds positively to identified characteristics respects and enhances local distinctiveness,(vi) retains significant open or wooded areas which, in their own right, make a material contribution to the local environment, Appendix high standard of design, improve visual amenities, external appearance.

#### Pagham Village Design Statement 2004:

Page 7 (2) Kings Beach Estate Churchill Walk. Retain open plan aspect . Preserve existing green space and amenity trees within development . . New buildings not to vary significantly in height or bulk, un-neighbourly, cramped, visually intrusive, ill-conceived linkage

Residents particularly valued open frontages and spacing

#### ADC Draft Local Plan

Policy DM40 Coastal Protection ref: 18.5.6 Coastal Change Management Area (P277).

**1 Letter of Objection**

The dwelling will be completely out of character with the existing development. If this were a viable option we feel that it would have been included in the original building plans. We consider the proposal to be extremely un-neighbourly and it will place an additional parking hazard to a problem that already exists at the moment.

**Comments on Representations received:**

Parish Council and Objection comments noted

PPS25 has now been replaced by the National Planning Policy Framework.

**CONSULTATIONS**

WSCC Strategic Planning

Engineering Services Manager

Environment Agency

**Consultations responses received:**

County Highway's

In regards of highway matters, the comments previously issued would still remain applicable. Certain things have not changed, such as no confirmation of the proposed vehicle and parking arrangements, therefore, given the history it would be satisfactory to continue with that which has already been agreed.

Previous comments were: West Sussex County Council was consulted previously on highway matters for this location under planning application P/94/08 for a two bedroom dwelling to which no objections were raised. In highway terms this would be considered similar in terms of vehicular movements and therefore no overriding highway safety concerns would be raised on this basis.

Engineers comments in respect to surface water drainage:

A SuDS system (Sustainable Urban Drainage System) must be investigated for surface water disposal, ie. soakage structures.

Please apply standard condition ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The extent of the winter groundwater monitoring will need to be agreed with ADC Engineers.

The Flood Risk Assessment indicates that the development is within flood zone 2. According to the current EA flood risk maps, this does not appear to be the case or is no longer the case. This maybe because the tidal surge level has been revised from 5m AOD. Please note that ground levels in the immediate vicinity of the development are below this level and therefore safe egress and access could have been an issue. I would suggest that the Environment Agency are consulted on this application in order to clarify the situation.

Environment Agency

Having screened the planning applications with regard to the development type and location of the proposal, I can confirm that we have no comments to make.

**Comments on Consultation responses:**

Comments noted

**POLICY CONTEXT**

Designation applicable to site:

Built Up Area Boundary  
PDR Open Plan Condition  
Public Sewer On Site

**DEVELOPMENT PLAN POLICIES**

|                           |                       |                                    |
|---------------------------|-----------------------|------------------------------------|
| Arun District Local Plan: | <a href="#">GEN2</a>  | Built-up Area Boundary             |
|                           | <a href="#">GEN7</a>  | The Form of New Development        |
|                           | <a href="#">GEN10</a> | Tidal Flooding and Coastal Defence |
|                           | <a href="#">DEV17</a> | Affordable Housing                 |

**PLANNING POLICY GUIDANCE**

**SUPPLEMENTARY POLICY GUIDANCE**

|      |                                                              |
|------|--------------------------------------------------------------|
| XXX6 | Interim Affordable Housing Policy                            |
| PDS  | Pagham Parish Council's Village Design Statement by PaghamPC |

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 which was approved in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this 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 by reason of its siting and cramped space it does not contribute to the open and planned characteristics of the surrounding area. It would also give rise to a loss of outlook and daylight to the neighbouring property No 14.

#### **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**

The application is a re-submission of a previously refused application P/33/12 for a two storey dwelling attached to the end of terrace dwelling No 14 Churchill Walk. The site history is extensive with three previous refusals, P/33/12, P/2/12 and P/36/11 for an attached two bedroom dwelling.

The previous refusal P/33/12 for an attached dwelling was dismissed on appeal. The Inspector stated that the dwelling by reason of its design would appear incongruous with the adjoining terraced property and harm the open and spacious character of the area. It was also stated that the provision of a parking space to the front of the site to serve the host dwelling would be at a point where there is a bend in the road, close to the multi-armed junction which he considered was not conducive to highway safety and the provision of hard standing at this point would further erode the green open plan appearance of the locality. However, he was of the opinion that the plot which was suitable in size to others was not unreasonable to accommodate a dwelling.

The proposal now seeks to demolish the existing garage currently serving No 14 Churchill Walk and incorporate this space into the site with the construction of an attached two storey dwelling on the end of No 14 in the side garden. A new parking space will be provided at the front of the host dwelling No 14. The proposed dwelling will be set back from the front of the dwelling by approximately 3m and will at its lowest point leave a 1.1m gap to the public footway. It will be of the same height as the existing terrace and similar in appearance. By reason of its siting the proposed dwelling will project out from the host dwelling No 14 to the rear by 3m. No 14 has windows which serve the living area adjacent to the side flank wall of the dwelling and it is considered that this would seriously affect the occupants outlook and daylight.

The National Planning Policy Framework Paragraphs 56 and 57 specify good design that would achieve development that is better integrated with its surroundings. The plot is still considered to be of a size that would not easily accommodate a dwelling of this size and would afford a poor standard of amenity and outlook for future occupiers. It would erode the open spacious character and appearance of the area which is a feature of the 1960's estate.

The Pagham Village Design Statement Page 7 seeks to retain the open plan aspects, preserve existing separation of dwellings preventing an un-neighbourly cramped form of development.

County Highway's have raised no objection to the provision of a parking space to the front on highway grounds.

A unilateral undertaking has been submitted for the financial contribution towards the provision of

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Affordable Housing.

It is considered that the proposed development by reason of its prominent siting would appear incongruous in the street scene and harm the open and spacious character of the area.

In view of this the application is recommended for refusal for the following reasons.

#### **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 for private and family life) and 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 a neutral impact has 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).

#### **RECOMMENDATION**

##### **REFUSE**

- 1 The proposal is sited within an inadequately sized plot which is uncharacteristically small to accommodate a dwelling and would appear as a cramped form of development which is harmful to the open and planned characteristics of the surrounding area in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 The proposal by reason of its siting and relationship with the neighbouring dwelling (No 14) would be overbearing and unneighbourly giving rise to a loss of outlook and daylight in conflict with policy GEN7 of the Arun District Local Plan, the National Planning Policy Framework and the Pagham Village Design Statement.