

Recommendation Report for Planning Permission

REF NO: P/76/17/PL

LOCATION: Manoss Lea
9 Manor Park
Pagham
PO21 3JS

PROPOSAL: 1 No. dwelling adjacent to Manoss Lea & addition of 1 No. window to North elevation & blocking up of 2 No. windows on West elevation to Manoss Lea.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to site a new, three bedroom dwelling in the existing garden on the western side of the dwelling. The new dwelling will have a first floor within the roof achieved through velux roof windows and a dormer on the western side. Two car parking spaces and an area for storage of bins to the front. It is also proposed to erect a new part 1m, part 1.8m fence between the two houses and to alter the northern and western elevations of the existing in the interests of privacy.
SITE AREA	0.08 hectares (whole red edge including Manoss Lea).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Two dwellings on the site = 25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site is bordered by a mature hedge and has trees within it.
BOUNDARY TREATMENT	The site is bordered by a mature hedge which is part 2, part 2.5 and part 3m in height.
SITE CHARACTERISTICS	The application site comprises a detached bungalow with accommodation within part of the roof. There are gardens on the western, eastern and southern sides of the dwelling including a swimming pool on the eastern side. The western garden is flat, grassed and bordered by a mature hedge.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with semi-detached, detached and terraced properties of 1 or 2 storeys set in small to medium sized plots set back from the highway. On-street parking was noted. The nearest affected property is 10 Manor Park which is a bungalow with 1 double sized window on the affected side. Manoss Lea has 2 principal bedroom and 1 secondary lounge windows on the affected side. It also a velux window in the roof which faces the application site.

RELEVANT SITE HISTORY

P/44/50/A Additions

ApproveConditionally
30-03-55

P/44/50 Garage

Permit'd Devel
10-01-51

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A.

CONSULTATIONS

Natural England
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No comments.

WSCC HIGHWAYS - The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. Conditions recommended in respect of parking spaces and cycle storage.

ADC TREE OFFICER - The scruffy Golden Leylandii hedge surrounding the plot is of poor quality and limited value and not worthy of retention. No actual trees. No objection raised on the grounds that it does not threaten any trees at or adjacent to this location.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
PD Restriction;
Open Plan Condition; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM2	Pagham Harbour
T SP1	Transport and Development
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 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.

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).

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 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. Policies 1 and 3 are relevant to this proposal.

Policy 1 directs new development to sites within the Built Up Area Boundary. Policy 2 sets out proposed housing site allocations. Policy 3 "Housing Design" states that:

"The Neighbourhood Plan requires the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, to reflect and enhance the architectural and historic character and scale of the surrounding buildings and landscape, as defined in the adopted Pagham Village Design Statement (VDS). Planning applications must include a flood risk assessment to demonstrate how a scheme will not increase pluvial or fluvial flood risk on any adjoining land, to the satisfaction of the local planning authority and the Environment Agency."

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 within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual amenity, highway safety and residential amenity.

It is considered that the proposal is acceptable in principle given its location in a highly sustainable town centre location. The National Planning Policy Framework (NPPF) supports effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

It is noted that the emerging Pagham Neighbourhood Plan allows for the principle of residential windfall sites outside of the proposed site allocations.

DESIGN AND CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Part of the proposal also concerns the alteration of the existing dwelling and therefore, policy DEV19 is relevant.

Having regard to the site being to the side of Manoss Lea and also the existing building line along Manor Park formed by nos. 1 & 11, it is not considered that the proposed dwelling would represent back land garden development. The proposal is considered to be of a different character with the existing spacious nature of Manoss Lea and nearby properties (10 Manor Park & Woodlands). However, given the close proximity to the site of other higher density housing (notably 1-7 & 11-15 Manor Park), it would be difficult to sustain a refusal reason based on housing character.

Furthermore, the proposed house, although narrower will have a similar depth to the existing dwelling and also the same garden arrangement - shallow rear garden with additional space to the side. The elevation and street scene drawings show that the proposed house will have a slightly higher roof form (0.8m) than Manoss Lea but will also be lower (0.7-0.8m) than the higher density houses to the north. The gap to Manoss Lea will be 3m (with 1.5m either side of a new boundary fence) and although this is narrower than the gap between Manoss Lea and Woodlands, it is clearly greater than that of the terraced houses opposite.

A chimney is shown and this reflects that on Manoss Lea. Proposed materials include facing bricks & plain tiles and these are considered to be appropriate within the streetscene. The proposed alterations to the elevations of the existing dwelling are solely in respect of windows and are not considered to be harmful to the character of the existing property. The open plan nature of the street will be retained as the only new fencing will be between the two properties. The hedge is to remain around the site except at the front where it will be removed to enable access to the proposed two parking spaces.

The Pagham Village Design Statement (PVDS) lists the following criteria relevant to new development within the Nyetimber character area.

- * Small scale, height and design sympathetic to setting;
- * Retain and enhance the amenity spaces and access ways;
- * Respect the style and open character of the area;

- * Maintain open-field views and the countryside setting at Hook Lane;
- * Boundary treatment should not compromise open character;
- * Avoid inappropriate or unnecessary blocking of views or overlooking;
- * Avoid cramped, un-neighbourly proximity; and
- * Exercise care to prevent loss of privacy by virtue of comparatively high density development.

It is not considered that the application contradicts with any of these criteria and nor does it conflict with adopted Local Plan policies GEN7 (ii) or DEV19.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The scheme has been drawn up to design out any instances of overlooking between the new dwelling and Manoss Lea to the east and between the new dwelling and 10 Manor Park to the south. There are no first floor windows proposed in the southern elevation and only a door at ground, and 2 obscure glazed velux roof lights at first floor in the eastern elevation. Furthermore, proposed changes to the western elevation of Manoss Lea will remove the existing west facing bedroom windows and replace with a bathroom window. This along with the two existing narrow secondary lounge windows will then be obscure glazed. All obscure glazing is shown on the plans and will also be enforced by separate conditions.

There is not considered to be any potential for loss of light to 10 Manor Park. Although light will be lost to the western elevation of Manoss Lea, this will only occur late in the day/early evening and the changes to the fenestration on the western side of Manoss Lea will mean that any shading will not be harmful to the occupiers living conditions.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv).

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a two storey, three bedroom, 6 person dwelling is 102m² but the internal floor space proposed is 125m² and therefore exceeds this requirement.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal. There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings.

This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden and in this case should be at least 85m².

The proposed garden is predominantly to the side and this will be private due to the hedge around the garden. There is also a shallow (circa 5m deep) area of garden to the rear. In total, the garden area is around 165m² and therefore more than meets the requirements. Although the depth of the rear part is

only half of that required, this is similar to (indeed more than that of) the existing dwelling, Manoss Lea.

Manoss Lea will lose a good chunk of its garden as a result of the proposal. However, it retains a significant amount of space to its rear and on its eastern side. The proposal therefore complies with the external space standards.

PARKING PROVISION & ACCESS:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates that that the proposed development would generate a demand of 2 spaces. The proposal includes two off-street parking spaces and this therefore meets the anticipated demand. Manoss Lea will retain parking space to the front of the dwelling and its separate garage on the eastern side. A planning condition will be imposed to ensure that a cycle storage building is provided and retained permanently for its intended use. On this basis, it is considered that the proposal complies with the Local Plan.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 of the Emerging Local Plan requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 but this was revised down to £871 as of 10 April 2017. This contribution is now required for all new residential developments within Zone B. Proposals that fail to provide the necessary contribution will be considered to be contrary to Policy ENV DM2 of the Emerging Local Plan. The applicant has agreed to this requirement and there is a completed S.106 legal agreement associated with the application.

SUMMARY:

This is considered to be an acceptable scheme that will make more efficient use of an existing large residential garden without causing harm to the character of the local area. There are no residential amenity or parking concerns it is therefore recommended that permission be granted subject to the following conditions and the Section 106 legal agreement.

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.

SECTION 106 DETAILS

This decision is accompanied by a Section 106 legal agreement relating to an Access Management Contribution of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

- 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:

Drawing 1 - Location Plan, Site Plan, Roof Plan, Ground & First Floor Plans (April 2017);
Drawing 2 - Proposed Elevations (April 2017); and
Drawing 3 - Proposed Alterations to Existing Dwelling plus new Fencing Detail (April 2017).

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.
- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with the National Planning Policy Framework.
- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in

writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 6 The proposed ground floor front bathroom and two first floor bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the future occupiers and adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 7 The three ground floor windows on the west elevation of the existing dwelling, Manoss Lea shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the future occupiers and adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the building shall not be extended or altered in accordance with Classes A, B or C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers including the privacy of the existing dwelling and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 9 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.

- 10 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.