

Recommendation Report for Planning Permission

REF NO: P/86/15/PL

LOCATION: 11 Abbotsbury
Pagham

PROPOSAL: 1 No. 2 bedroom semi-detached bungalow

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to subdivide the existing residential curtilage in order to erect a new 2 bedroom bungalow attached to the existing in a semi-detached arrangement. This will sit on the same building line as 11 Abbotsbury & 2 Golden Acre and will front onto Golden Acre. The new plot measures 23m in length by 10.5 in width.

The new dwelling will have private rear garden, front lawn and an off-street parking space to the front. The proposal also includes a new driveway/off street parking space for no. 11 from Abbotsbury. The new bungalow will match in height and design/style with the existing no. 11. It is also necessary to demolish an existing single storey flat roofed extension on the southern side of no. 11.

SITE AREA

700 square metres (0.07 hectares).

RESIDENTIAL DEVELOPMENT DENSITY (NET) 14 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES One Palm Tree within the rear garden of 11 Abbotsbury approximately 3.5-4m high. This is located in the south western corner of the garden and so will not be affected by the construction of the bungalow.

BOUNDARY TREATMENT

1.8m high brick wall to the front boundary with Golden Acre;
1.8m close boarded fence topped with 0.2m trellis (2m total height) to the rear boundary with 15 Abbotsbury; and
1.8m high brick wall and part side of existing detached garage to the side boundary with 2 Golden Acre.

SITE CHARACTERISTICS

Existing detached single storey bungalow. Corner plot with gardens on all sides. Existing detached single storey flat roofed garage to the boundary with 2 Goldenacre. The property has an existing garage and off-street driveway space (2 off street spaces in total). On-street parking is available.

CHARACTER OF LOCALITY

This is a residential area predominantly characterised by detached and semi-detached bungalows in a similar design.

No. 2 Golden Acre has 3 flank windows (kitchen & 2 x bathroom) on the affected side and these are already obscured by the existing garage. No. 2 also has a rear conservatory. No. 15 Abbotsbury has an existing flank window and a rear conservatory which is screened by existing boundary treatments.

It is noted that nos. 2 & 4 Golden Acre both have plots of around 33m in depth. Nos. 15 & 17 Abbotsbury have staggered plot depths but no. 15 is 25.5m at the shortest point whilst 13 is a minimum of 28m.

RELEVANT SITE HISTORY

P/77/78	Extension for utility room	ApproveConditionally 19-07-1978
P/188/78	Demolition of wall and erection of 1.8m brick wall to enclose part of front garden into back garden	ApproveConditionally 04-04-1979

None.

REPRESENTATIONS

Representations received:

Pagham Parish Council

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Pagham Parish Council - "Pagham Parish Council objects to this application as it constitutes an over development of the site resulting in reduced rear amenity garden space for both properties and is an unneighbourly development. It was agreed that Cllr Radmall would draft a full response to be agreed by email. Cllr Hall wished to abstain to this proposal."

Further comments stated that: "The Parish Council has been in receipt of significant objections from residents living nearby to the site to which the application relates. Members noted, however, that the overall curtilage within the ownership of the applicant was quite

extensive though most of it constituted roadside frontage of the existing corner plot. It was felt, nevertheless, that the proposals for a conjoined dwelling to the existing bungalow could be viewed as cramped and out of character with the existing spatial context and streetscape. Of most concern was the very limited space accorded to the rear garden amenity area, which is out of character with the spatial context of the area. There will also be a similar deficiency in garage space, an existing facility having been deleted, and no such provision included to serve the proposed new dwelling."

14 letters of objection have been received albeit that 2 of these were repeat letters and were received in response to a response by the applicant to the objections already made. Grounds of objection are as follows:

- * Out of character with open nature of the estate;
- * Loss of light to kitchen & bathroom windows on the side of 2 Golden Acre, also the rear of 15 Abbotsbury;
- * Loss of light to the rear garden of 2 Golden Acre;
- * Concern as to further impact if the potential occupiers are able to build within the roof area;
- * Plans are wrong in respect of boundary to 2 Golden Acre;
- * Loss of view to 15 Abbotsbury;
- * What will happen to the existing boundary wall behind the garage between 11 and 2 Golden Acre;
- * Concern as to impact on existing gate & on block paving (2 Golden Acre);
- * No. 2 Golden Acre would not be happy if the new property is addressed as 2a;
- * Overbearing visual impact on surrounding properties;
- * Increase in noise from a new family being next door;
- * Impact on amenity from 11's new front driveway;
- * Impact on 15 Abbotsbury if 11 has a garage built in the future;
- * No vehicle crossover shown on the drawings;
- * No bat survey;
- * No consultation from the applicant prior to submission; and
- * Will turn the area into a ghetto.

Comments on Representations received:

Issues relating to character/overdevelopment, amenity space, residential amenity and parking will be discussed in the Conclusions section. The following comments are made with regard to the other points:

- * Utilisation of the roof space - A condition could be imposed to prevent the creation of dormers without the permission of the local planning authority. However, it would not be possible to prevent someone from converting a loft space.
- * Loss of view to 15 Abbotsbury - There is no right in planning law to a view. However, visual amenity will be considered in the Conclusions section.
- * Plans are wrong in respect of the boundary to 2 Golden Acre - The neighbours state that the gap between their extended flank wall and the shared boundary is 1.2m but that the plans show a gap of 1.1m. The gap has been checked on the plans approved by P/95/12 (which allowed no. 2's side extension) and it is indeed 1.2m. It is assumed that this is a drafting error and that no.2's extension has been incorrectly drawn. In any case, the owner of no. 11 would not be able to building onto someone else's land without their legal consent.
- * Future of the existing boundary wall between 11 and 2 Golden Acre - This would only be demolished if the demolition of the garage required it (i.e. if they were attached together) but

a replacement boundary to the same height would be provided.

* Impact on the existing gate & on block paving (2 Golden Acre) - These are not considered to be material planning considerations and are civil matters.

* Addressing of the property - This is not a material planning consideration.

* Impact on 15 Abbottsbury from a future garage - No garage is currently proposed and therefore regard cannot be had to the possibility of a future one.

* No vehicle crossover shown on the drawings - Planning permission is only required for vehicle crossings on A-C classified roads. Abbottsbury is a D class road and it is not therefore necessary to include the crossover in the planning application.

* No bat survey - It is not necessary to provide a bat survey for applications in the urban area. In addition, the applicant has stated that: "The issue of bat's has been raised, this is unlikely as the extension being demolished is a single storey flat roofed extension with sealed eaves, there are no trees on the site and the house is fully occupied". Also see the comments by Natural England below.

* No consultation from the applicant prior to submission - this is not a requirement of planning permission.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Natural England - "Natural England has received notification from a member of the public, highlighting concerns for the bats present and potentially roosting within the roof void at the above-mentioned property. Ecological survey effort is generally required if there are habitat features (e.g. mature trees, woodland, hedges, ponds, buildings, grassland), identified within the planning documents which would suggest that there is a reasonable likelihood that Protected Species are present.

Natural England's standing advice states that there is an increased likelihood of bats using a building (particularly during summer) if certain features are present:

- isn't affected by artificial light levels
- is close to woodland or water
- was built a long time ago (particularly early 20th century or before), but bats use modern houses too
- has cracks or crevices
- has a roof warmed by the sun
- has an uneven roof covering with gaps (but isn't too draughty)
- has entrances bats can fly into
- has a large roof area with clear flying spaces
- has large roof timbers with cracks, joints and holes
- has hanging tiles or wood cladding, especially on south-facing walls"

Southern Water - No objection. Recommend an informative.

ADC Drainage Engineers - "The applicant states that surface water will be discharged to soakaways. Please apply standard conditions ENGD2A if deemed necessary - this application is for fewer than two properties outside of the Lidsey WwTW catchment area."

Comments on Consultation responses:

Comments noted. It would not be appropriate to impose the drainage condition.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;;
Pagham Harbour Zone B; and
PD Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA13</u>	Sites of International Importance for Nature Conservation
	<u>DEV17</u>	Affordable Housing
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and climate change mitigation
		ENV DM2 Pagham Harbour
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development
		W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
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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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

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 the relevant Development Plan policies in that whilst it is not considered to have any impact on the residential amenities of the adjoining properties or on the visual amenities of the locality, it will have an adverse impact upon the established character of the surrounding area and will result in unacceptably cramped private garden spaces for the existing & proposed dwellings.

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

PROPOSAL & PRINCIPLE:

This application seeks planning permission for the demolition of an existing extension and detached garage in order to subdivide the plot and erect a new semi-detached bungalow. Access will be as per the existing dropped crossing from Golden Acre and the existing dwelling will take a new access from Abbottsbury.

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

PRECEDENT:

The applicant has stated that a precedent for this proposal has been set by a development at 10 Link Way, Pagham under ref P/39/06. It is noted that the 10 Link Way scheme is almost identical in concept to the current proposal. Both schemes relate to a semi-detached bungalow on the rear garden of an existing detached corner plot bungalow. Both propose a new access/driveway onto the other road frontage and both reduce the amount of rear garden.

However, applications should be determined on their own merits. Furthermore, the previous application is now 9 years old and predates both the NPPF and the Council's Emerging Local Plan which includes a policy on external amenity space. It is not considered that the previous application should automatically grant consent for this new application.

DESIGN, VISUAL AMENITY & CHARACTER

Objections have been made by the Parish Council and by local residents on the grounds of overdevelopment, out of character and contribution to the formation of a ghetto.

The proposal will introduce an additional dwelling into the streetscene. However, the dwelling has been designed to match exactly with no. 11 Abbottsbury and will respect the predominant semi-detached bungalow form of the immediate surroundings. It is considered that the proposed design respects the streetscene and will not cause any loss of visual amenity.

Furthermore, the proposed width of the plot, at 10.5m, exceeds that of 2-4 Golden Acre (10m & 9m respectively) and 15-17 Abbottsbury (10m & 9.5m respectively). The width is therefore considered to be in character. Similarly, the proposed gap between the new dwelling and the boundary is acceptable having regard to the situation at 2 Golden Acre.

However, the proposed depth of the plot (and as a result, the depth of rear garden) is not in character having regard to the depths of nearby plots. In this regard, it is noted that 2 & 4 Golden Acre both have plots of around 33m in depth and that although 15 & 17 Abbottsbury have staggered plot depths, no. 15 is 25.5m at the shortest point whilst no. 13 is a minimum of 28m. No. 11's existing plot has a depth of 28m at the shortest point.

The proposed plot has a depth of only 23m and is therefore shorter than nearby plots. This also results in both the new plot & no. 11 having a shallow rear garden of only 4.5-7m. This is in

contrast to the existing situation as follows: (1) 2 & 4 Golden Acre - 14m; (2) 15 Abbotsbury - 6.5m; (3) 17 Abbotsbury - 10.5m. No. 11 Abbotsbury's rear garden is part developed with an extension and a detached garage but there is a total depth of 14m between the rear boundary with 2 Golden Acre and its secondary rear elevation.

It is therefore considered that although there are no concerns with the design, height or plot width, the act of subdividing the plot will result in plot & garden depths that are out of character with the surrounding form of development.

RESIDENTIAL AMENITY:

Objections have been made by local residents on the grounds of loss of light, overbearing development and noise impacts.

It is noted that 2 Golden Acre has 3 flank windows however these are all to secondary windows and as such are not afforded the same level of protection as principle windows (i.e. lounge, dining room, bedroom). Furthermore, these windows are already be affected by the existing garage and boundary wall. The proposed bungalow would be set in from the shared boundary by between 0.75m and 1.1m and this will ensure that some light does reach the existing windows.

It is not considered that the new dwelling will impact on no. 2's conservatory as the dwelling does not extend far enough beyond no. 2's rear building line to impact on a 45 degree angle drawn from the rear windows. Similarly, it is not considered that the new dwelling impacts on a 45 degree line drawn from no. 15 Abbotsbury's rear conservatory.

There are not considered to be any loss of privacy impacts due to the single storey nature of the building and the existing boundary fencing which will prevent any views. It is also not considered that the addition of a drive to the front of no. 11 will adversely affect the amenity of no. 15 who already have a driveway in an adjacent location. The addition of new residential occupiers in this location may result in the location not being as quiet as it was before but it is not considered, in the context of this being an existing residential area, that this would justify a reason for refusal.

PARKING:

Both of the dwellings will end up with 1 driveway parking space each. This does represent a reduction on the existing provision but the dwellings are relatively small and there is on-street parking available. It is not considered that the proposed parking provision is unacceptable.

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 single storey, 2 bedroom, 3 person dwelling is 61m² and the proposed dwelling has an internal floor area of 71m² and therefore exceeds the minimum requirements.

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. The requirements in respect of the small semi-detached dwellings is a private garden area of 85m² and at least 10m deep.

The proposed dwelling has a rear garden only 4.5-7m deep and with an area of only 59m². The existing dwelling has a similar depth and an area of only 52m². It is not considered that front garden areas can be included in the calculation as they are not private spaces. Therefore, both the proposed and existing gardens are contrary to this policy.

AFFORDABLE HOUSING:

The Councils Interim Affordable Housing Policy 2010 requires that schemes of 1-6 residential units provide an affordable housing contribution in the form of a commuted sum. The proposal would involve a net increase of 1 residential unit and following the recent High Court decision (*R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government* [2015] EWHC 2222 (Admin)), the Council is now able to require affordable housing contributions for schemes of 10 or less units. As a result, there is requirement under the policy for a financial contribution for off-site affordable housing of £5,402 (based on 1 new 2 bedroom dwelling in the Pagham area). In the absence of a legal agreement covering this contribution, the application has to be considered contrary to the above-mentioned policy.

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. 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.

SUMMARY:

The proposal is considered to be generally acceptable having regard to its location in the built up area, to residential amenity, to parking, in respect of dwelling design and plot width. However, the plot is just too shallow to be in character with the area and provide the required amount of private amenity space; and the act of subdivision also unacceptably reduces the amount of amenity space available to no. 11. Furthermore, in the absence of a legal agreement covering the Pagham Harbour and affordable housing contributions, the application must also be refused for these additional reasons.

It should be noted that the applicants agent was made aware of the affordable housing and Pagham Harbour contributions by email on the 4th of September but at the time of writing, no legal agreement has been submitted or any indication has been given that one is forthcoming.

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.

RECOMMENDATION

REFUSE

- 1 The site by virtue of its plot & garden depth and is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and Policy D DM1 of the Arun Local Plan 2011-2031 (Publication Version).
- 2 The proposed private rear gardens for the existing and proposed dwellings are considered to be unsatisfactory in size and would give rise to an unsatisfactory living environment and unacceptably small private amenity spaces for future occupiers in conflict with the good design principles in the National Planning Policy Framework, Policy GEN7 of the Arun District Local Plan and the external space standards set out in Policy D DM3 of the Publication Version of the Emerging Arun District Local Plan (Publication Version).
- 3 The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003 and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010.
- 4 The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with Policy AREA13 of the adopted Local Plan, Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version) and paragraphs 117-118 of the National Planning Policy Framework.

- 5 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.