

Recommendation Report for Planning Permission

**REF NO:** R/134/18/PL

**LOCATION:** 8 Duncton Road  
Rustington  
BN16 3LA

**PROPOSAL:** 1 No. end of terrace two storey dwelling

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| <b>SITE AND SURROUNDINGS</b> |
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|                                       |                                                                                                                                                                                                                                                                          |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | The proposal is to provide a semi-detached 3 bed dwelling, with two parking spaces, cycle and bin store.                                                                                                                                                                 |
| SITE AREA                             | 179.00 Sq metres                                                                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 55 dwellings per hectare.                                                                                                                                                                                                                                                |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                      |
| TREES                                 | None affected by this proposal.                                                                                                                                                                                                                                          |
| BOUNDARY TREATMENT                    | Fencing and hedging to 1.8m in height                                                                                                                                                                                                                                    |
| SITE CHARACTERISTICS                  | The existing site is occupied by a side garden serving No.8. A hardstanding is located to the front and rear of the existing dwelling, whilst an existing single attached garage serves the site to the rear boundary as an attached garage block to no.18 Bognor Close. |
| CHARACTER OF LOCALITY                 | Predominantly residential served by attached and semi-detached two story dwellings of a similar design.                                                                                                                                                                  |

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

Rustington Parish Council raise an objection:

- (i) This type of backland/in-fill development would, if approved, make it increasingly more difficult for the local Planning Authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area
- (ii) The proposal is in conflict with the Rustington Neighbourhood Plan.

24 Objections - Overdevelopment of the site.

Proposal:

- Neighbour at no.18 - who has an attached garage - wonders what impact demolishing the garage will have on his own garage
- Details of construction are questioned
- Parking spaces do not look big enough for modern cars

- Overdevelopment/overcrowding of the site
- The Proposal will add to road safety issues in the area
- Proposal would lead to a feeling of an overbearing nature within the immediate area
- The existing drainage capacity of the current 4 dwellings would be compromised by a - further dwelling.
- The owner has not to this date addressed the requirement of soakaways for the rear extension
- Concerns that the whole development will not be completed to a high standard

#### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are addressed in the conclusion section.

### CONSULTATIONS

WSCC Strategic Planning

#### CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection subject to informative.

Southern Water - We object the discharge of surface water into foul system.

WSCC Highways -

- on street parking is common practice in this area
- request further information and demonstration of the highway safety merits of the scheme, as set out in the report below.

Access & Parking Arrangements

- applicant should clarify the extent of dropped kerb works required on Bignor Close and mark this on the proposed Site Plan.
- Insufficient depth on the frontage for the parking space serving the host dwelling (no.8) as labelled "existing" there is a space standard requirement plus a dropped kerb which does not exist presently (thus this is a proposed space - for the host dwelling).
- Applicant required to demonstrate sufficient space for "existing space" or omit from the plan, and reduce the cross over.
- 2 allocated spaces meets the requirement WSCC Car Parking Demand Calculator envisions for a development of this scale and location.
- If one space remains for the existing dwelling this would be acceptable as WSCC would not resist the application on highways safety grounds.
- On street parking is an existing practice and has been operating without concern - whilst illegal or obstructive parking can be dealt with under legislation.

Accessibility

- LHA that site provides means of sustainable transport for some/part of the journey.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted

### POLICY CONTEXT

Designation applicable to site:  
Within Built Up Area Boundary

**DEVELOPMENT PLAN POLICES**

|       |                                          |
|-------|------------------------------------------|
| DDM1  | D DM1 Aspects of form and design quality |
| TSP1  | T SP1 Transport and Development          |
| SDSP2 | SD SP2 Built-up Area Boundary            |
| DSP1  | D SP1 Design                             |

[Rustington Neighbourhood Plan 2014 Policy 2](#)      Housing Design

**PLANNING POLICY GUIDANCE:**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**POLICY COMMENTARY****POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

The relevant RNDP have been considered.

**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 relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and fail to provide acceptable residential amenities to future occupiers as well as endangering the health of a protected tree.

**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

Within the NPPF paragraph 127 (f) states that planning policies and decisions should ensure that developments create places ...with a high standard of amenity for existing and future users, whilst para 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable in accordance with Policy SDSP2 of the Local Plan. This is subject to compliance with other relevant policies.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features."

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek 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. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that 'development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.' The existing access would be utilised as part of the proposal and a garage and parking area are included in the proposal.

#### DESIGN CONSIDERATIONS:

The proposed dwelling would be attached to the host dwelling (No.8), at a width of approx. 6.4m (w) by 7.9m (d) and overall height of 7m, matching a similar roof height to the neighbouring dwelling and forming a end of terrace property. Two parking space are proposed, one forward of the principle elevation and one to the rear all within land in the applicants control. A close boarded fence would project at 3m to the side and southern elevation, this encloses a area of amenity space with bin and cycle

storage to serve the proposed dwelling. The material finishes and fenestration would match the host dwelling in terms of proportion and design.

Officers consider although the proposed dwelling is designed to be set back by 500mm beyond the principle elevation of the host dwelling, the dwellings increase width of approx. 1m combined with its prominent location would allow for a dwelling that sits at odds with the street scene setting to its detriment. In light of policy D SP1, D DM1 it could be argued the dwelling is making efficient use of land, however, the officers consider this should not be at a cost of dominating the street scene by virtue of its scale, mass and overall design.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

The assessment is on the basis of the internal layout for a; 2 storey, 3 bedroom, for 5 person occupation. As such, the required space standard is 93m<sup>2</sup>. The proposed floor area is 102m<sup>2</sup> and therefore all dwellings are in accordance with the standards.

The application host dwelling is located on a corner plot where Duncton Road meets Bignor Close. Its plot size is similar to other corner properties in the vicinity. It has a small rear court yard with the main garden area being located to the south side.

The proposed severance of part of the site to create an additional plot to the south that will result in an uncharacteristically small plot serving the existing dwelling and a modest plot serving the new dwelling. No.8 is served by a single storey rear addition which has allowed for a significant reduction to its rear garden/amenity area. In particular when comparing the immediate context of external plot sizes, neighbour plot no.14 is served by approx.45m<sup>2</sup>, whilst the proposed plot size for No.8a would be approx. 49m<sup>2</sup>. However the existing host dwelling would have a retained external space at approx. 27m<sup>2</sup>, which is out of character with the prevailing area and would allow for a poor standard of amenity space serving the host dwelling.

#### RESIDENTIAL AMENITY

Given the design and location on a corner plot the development is not considered to materially or adversely impact on neighbouring occupiers in terms of overlooking. There is a proposed first floor side window, however, this would serve to gain light to an open stair well. The orientation of the dwelling lends itself to mitigate any overlooking to neighbouring occupiers.

#### HIGHWAYS

The officers note that further information required by Highways in their comments, however, as the officers consider the access is onto unclassified roads then this would not require formal consent, therefore (the information) or the issue of access is not a material planning consideration. We also acknowledge the view of neighbour occupiers in regard to parking and safety issues and as addressed by Highways and whilst illegal or obstructive, parking can only be dealt with under legislation and is not a material planning concern.

What is a planning consideration is the level of parking both serving the existing dwelling and the proposed which from the Highways comments appears to serve the development well even with the reduced of a one car space serving the existing dwelling. The surrounding street serves the area without parking restrictions therefore providing a car space on the public highway is available.

#### **DRAINAGE & WATER**

Policy 4 of Rustington Neighbourhood Plan states development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- i. permeable driveways and parking areas;
- ii. water harvesting and storage features;
- iii. green roofs; and
- iv. soakaways.

The officers note The hierarchy for sustainable drainage should be followed to satisfy the Drainage Engineer Concerns.

In regard to southern waters comments, prior approval is required to demonstrate the proposed connection to the public sewer is achievable.

#### **SUMMARY**

The resulting development would allow for an inadequate external amenity provision for the host dwelling, and provide a dwelling which is at add odds with prevailing street scene character. The development would therefore by contrary to NPPF para 127(f) & 130, D DM1, D SP1 of the Local Plan and Policy 2 of Rustington Neighbourhood Plan .

#### **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.

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| <b>RECOMMENDATION</b> |
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**REFUSE**

- 1 The proposal development, by reason of its scale, mass and position would result in an incongruous design feature to the detriment of the street scene setting, and the visual amenities of the area thereby conflicting with policies S SP1, D DM1, of the Arun Local Plan, & Policy 2 of the Rustington Neighbourhood Plan and the National Planning Policy Framework.
- 2 The proposal by virtue of its layout, position and footprint is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development and would provide an unsatisfactory amount of outdoor amenity space for occupiers of the host dwelling at No.8 Duncton Road contrary to policies S SP1, D DM1, of the Arun Local Plan, & Policy 2 of the Rustington Neighbourhood Plan and the National Planning Policy Framework.
- 3 **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 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.