

Recommendation Report for Planning Permission

REF NO: R/138/20/PL

LOCATION: 55 Milton Avenue
Rustington
BN16 2PL

PROPOSAL: Demolition of garage & construction of 1 No. 2-storey chalet dwelling (resubmission following R/182/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The dwelling would project approx 14m, to an approx. width of 5m. It would be 5m to the eaves and approx. 6.45 m to the ridge. The proposed two storey dwelling would have 2 bedrooms and be suitable for occupation by up to 4 people. The new dwelling footprint is located on land to the north of the host dwelling. The layout would allow for a 6.2m set back from the highway and accommodates space for a car to the front of the principal elevation.
SITE AREA	225 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	44 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded to the north, east and south boundaries.
SITE CHARACTERISTICS	The site is an existing hardstanding parking area and side garden occupied by a detached garage abutting the shared boundary with no.53 Milton Avenue.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with detached and semi detached properties of 1 and 2 storeys set in modest plots set back from the highway with gardens to front/side/rear within an urban environment.

RELEVANT SITE HISTORY

R/182/18/PL	Demolition of garage & construction of 1 No. 2-storey dwelling.	Refused 03-01-19 Appeal: Dismissed 11-10-19
-------------	---	--

R/182/18/PL was refused for the following reason:

'The proposed development by virtue of its design, scale and position would sit at odds with the street scene setting, damaging the character of the established residential area. The proposal would therefore result in an unduly cramped form of development contrary to policies S SP1, D DM1, of the Arun Local Plan, & Policy 2 of the Rustington Neighbourhood Plan.'

The application was dismissed at appeal with the Inspector commenting:

'Milton Avenue comprises a mixed character with detached and semi-detached single and two storey properties set back from the highway and located in modest sized plots. The adjoining streets comprise predominantly semi-detached bungalows.

Bearing in mind the character of the surrounding area and the fact that the surrounding dwellings are predominantly set in modest sized plots, the proposed development would appear as out of context with its surroundings due to the relatively narrow width of the plot and the proposed mass and bulk of the development. This mass and bulk would be emphasised by the proposed dwellings narrow width and accentuated by the development's height, depth and overall design.

The proposed development would be visible and the development would appear as unusually cramped and at odds / out of character with the surrounding streetscene in general. As such, the proposed development would be contrary to Policies D SP1 and D DM1 of the ALP and paragraph 127 of the National Planning Policy Framework, which seeks among other criteria to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting; and maintains a strong sense of place.'

REPRESENTATIONS

Rustington Parish Council - Objection.

- The proposal by reason of its mass would present an over-bearing impact which would be detrimental to not only the amenities of the occupiers of the adjacent properties, but would also be out of character with the street scene.
- The proposal would be in conflict with the Rustington Neighbourhood Plan.
- The proposal would represent an over-development of the site.

No comments have been raised by neighbouring occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Agreed.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Comment.

County Highways - No Objection. Conditions suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class D Road

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment
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

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Rustington Neighbourhood Plan are considered within this report.

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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

The proposal follows an earlier refusal for a dwelling which was dismissed at appeal. The proposal has not altered the site area or width and has not significantly altered the footprint of the dwelling or its position on the site. The main change has been the amended design of the dwelling and its height which has been reduced by 1.5m with much of the first floor accommodation now provided as dormers. This has not acceptably altered the design of the dwelling or satisfactorily addressed the Inspector's comments. The dwelling is now less reflective of the design of the host dwelling and appears squat, bulky and out of keeping in the street scene. The increased width of the roof at first floor level has accentuated the limited width of the site and the dwelling dominates the site boundaries and appears cramped and at odds with the more spacious layout of dwellings in the locality.

CHARACTER & DESIGN:

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

- (1) Character - seeking that development reflects or improves 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.
- (2) Appearance/attractiveness - requiring development to demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area;
- (13) Density - This should make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness.
- (14) Scale - This requires the scale of development to keep within the general confines of the overall character of a locality

Furthermore, policy D SP1 "Design" requires development to seek to make efficient use of land and reflect the characteristics of the site and local area in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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.

The site falls within 'Character Area 6' of Rustington Village Design Statement which is identified as an area characterised by detached and semi-detached bungalows finished in brick with painted brick construction with the predominant use of clay roof tiles. A few houses in this area are brick and render, porches construction is generally acceptable, whilst Upvc is the dominant material used for replacement window and doors.

The proposed development is considered unacceptable by reason of conflict with the above policies. By

virtue of the plot width it is considered to have an adverse impact upon the character of the locality. The design of the dwelling is for a dwelling with a narrow appearance which is considered uncharacteristic within the street scene setting.

In addition given the limited space to site boundaries the dwelling would appear uncharacteristically cramped/at odds in the street scene and would not reflect the pattern of development in the locality. More specifically the proposed dwelling would fail to appear integrated with the existing larger neighbouring properties and plot widths.

The Emerging Arun Design Guide requires infill development for dwellings to match the width of the building plot and that the proposed dwelling is similar to those in the existing frontage with traditional pitched roofs to match the pitch and orientation of existing adjacent dwellings. This proposed infill does not match the pitches adjoining or the spacing and plot width in the area.

Therefore, the proposed dwelling is considered to conflict with policy D SP1, D DM1 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

PARKING & HIGHWAY SAFETY

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 is supportive of development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and Arun Parking Standards and which considers the impact of development upon on-street parking.

Regard should also be had to paragraph 109 of the NPPF which refers to refusal on highways grounds only if there would be an unacceptable impact on highway safety.

The proposal, with a maximum of two off street car parking spaces, is considered acceptable in terms of access and parking. The advice of County Highways is agreed with where it states that it does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including, Impact, which requires development to have minimal impact to users and occupiers of nearby property and land. None of the Rustington Neighbourhood Development Plan policies refer to residential amenity issues.

Paragraph 127 of the NPPF ensures that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

There is no considered loss of privacy to neighbouring properties as the design provide for windows serving the west and east elevations fronting the highway and the rear garden respectively. The north elevation would have a first floor window to serve a bathroom (which could be conditioned to be obscure glazed and fixed shut) whilst south elevation windows would provide light to the stairwells.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP as there is no perceived harm to neighbouring amenity.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 of the ALP requires internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs in accordance with the Governments Technical Housing Standards (Nationally Described Space Standard).

The 2 storey dwelling is with 2 bedroom, for up to 4 persons requires 79m². The proposed floor area exceeds this and therefore the dwelling is in accordance with the standards.

With regards to external amenity space ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. The garden depth exceeds the generally accepted 10.5m garden length which is referred to in Arun's emerging design guide.

SUMMARY

The site by virtue of its width and size would result in development which is an unduly cramped and out of character with its surroundings. It is therefore recommended that permission be refused for the following reason.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 Given the size, shape and width of the site and the height, design and position of the dwelling the development would sit at odds with the street scene setting, damaging the character of the established residential area. The proposal would therefore result in an unduly cramped form of development contrary to policies D SP1 and D DM1 of the Arun Local Plan, & Policy 2 of the Rustington Neighbourhood Plan.
- 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 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.