

Recommendation Report for Planning Permission

REF NO:	R/156/20/PL
LOCATION:	31 Albert Road Rustington BN16 3JT
PROPOSAL:	Extension and alteration of existing residential dwelling and subdivision to form 2no. two bedroom residential dwellings, together with formation of new vehicular access and entrance drive.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the enlargement and remodelling of a detached bungalow to form a pair of 2 storey semi-detached 2 bedroom houses. The existing footprint of the building, including the garage, would be retained. An existing vehicular access would also be retained. There is currently garden space to the east and west of the plot, and a passageway along the rear. The existing garden would be split between the two proposed cottages. The dwellings would have a ridge height of 6.7m and eaves of 4.3m. A new vehicular crossover would be constructed across the existing pavement to provide access to a new entrance drive.
SITE AREA	380 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	52 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Most of the site boundary is enclosed by 1.8m high fencing.
SITE CHARACTERISTICS	Detached bungalow with brick elevations and tiled pitched roof and attached flat roofed garage located at the junction of Mill Lane and Albert Road.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached 2 storey dwellings in large plots to Mill Lane and detached bungalows in smaller plots within the application section of Albert Road.

RELEVANT SITE HISTORY

R/213/14/PL	Application for the variation of condition 4 following a grant of planning permission R/202/13 - increase capacity to 25 children & relax outdoor restriction	Refused 26-11-14 Appeal: Part Allowed 26-11-15
R/202/13/	Change of use of existing residential dwelling to form children's day nursery and construction of conservatory	ApproveConditionally 13-11-13

REPRESENTATIONS

Rustington Parish Council - Objection

(i) The size and shape of the plot would not permit development of a standard compatible with the existing development in the area and, in consequence, the proposal would be detrimental to the present character and amenities of the locality and would most certainly represent an over-development of the site

(ii) The proposal, by reason of its height and mass, would represent an over-bearing form of development, which would have a detrimental effect on the visual amenities and quiet enjoyment of the occupiers of No. 29 Albert Road and No. 23 Mill Lane

(iii) The proposal would give rise to an increased movement of vehicles onto and from the public highway at this point to the detriment of road users

(iv) The proposal would be likely to increase the pressure for on-street parking, at a point very close to the very busy junction of Albert Road with Mill Lane. This location is congested at most times during the day, and the proposal would interrupt the free flow of traffic and thereby add to the hazards of road users at this point

(v) The proposal would be in conflict with Policy 2 - Housing Design of the Rustington Neighbourhood Plan (scale and mass).

9 Objections

- Overdevelopment of site.
- Loss of light and privacy to all properties surrounding the planned developments, both on Albert Road and Mill Lane.
- Lack of parking already in Albert Road. 2 new properties will exacerbate that even more and risk to accidents on the junction into Mill Lane. The corner is already very busy. No speed restrictions on Mill lane either. Adding more residential properties on an overloaded corner will lead to accidents.
- The development will not be in keeping with the rest of Albert Road, which is largely bungalows at this end.
- Bulk and overbearing effect to the detriment of the residential amenities of the neighbouring bungalows no 29 Albert Road , 22&24 Albert Road and 23 and 25 Mill Lane.

COMMENTS ON REPRESENTATIONS RECEIVED:

County highways have no objection to the proposal in terms of highway safety. Overlooking from bathrooms could be controlled by an obscure glazing condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. Conditions requested relating to car parking, cycle parking, access and electric vehicle charge points.

Comments Regarding Surface Water Drainage

Due to the scale, location and type of application no conditions required. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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/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 and provided it is in accordance with other policies of the Arun Local Plan covering 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)).

VISUAL AMENITY AND CHARACTER

Policy D SP1 of the Arun Local Plan (ALP) states that development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. The Arun District Council Design Supplementary Planning Document (SPD) is due to be adopted towards the end of 2020 and provides detailed design guidance for developments in the District.

Housing Design Policy 2 of the Rustington Neighbourhood Plan (RNP) states that 'Development proposals 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'. The supporting text refers to design principles including:

- Development should not detract from the character and amenity of the nearby area.
- New builds should be in scale to the locality and height restricted (to include roof space) to scale with similar nearby properties.
- To ensure the density of new development is in keeping with the Character Area.

This policy requires the design of all housing schemes to reflect the local character of different parts of the Parish by responding positively to the relevant guidance in the adopted 2010 Rustington Village Design Statement (RVDS). The RVDS identifies the site as being located within Character Area 8. The Guidelines state this part of the CA characterised by mainly pre-war housing including bungalows, semi-detached and terraced housing.

Paragraph 122 of the National Planning Policy Framework (NPPF) supports development that makes

effective use of land and achieves appropriate densities, whilst taking into account the need for different types of housing, local market conditions and viability, the availability and capacity of infrastructure and services and the desirability of maintaining the areas prevailing character and setting. Paragraph 127 of the NPPF details the design requirements for new development.

The proposed subdivision of the plot to form 2 plots would result in plot sizes which are much smaller than other properties nearby in Albert Road. The properties in the immediate vicinity of the proposed development are a mix of 1920s detached houses with generous amenity space, circa 1960s semi detached houses, also with good sized amenity spaces and immediately adjacent to 31 Albert Road, circa 1960's bungalows with external amenity space which far exceeds those proposed for the new development. There are no properties in the immediate vicinity which have external amenity spaces as small as those proposed. It would also reduce the gaps between boundaries and adjacent buildings to less than 3m and result in a loss of spaciousness between and around buildings. As such, the proposals would fail to reflect the characteristics of the site and local area, including the existing established pattern of development, plot layouts and housing density of the area. The density of this new development would not be in keeping with the low density of this part of Character Area 8, as identified in the RVDS and required by policy 2 of the RNP. Given the size of the site it would represent overdevelopment of the site and would have a cramped appearance which would fail to relate satisfactorily to surrounding plots. The proposals would detract from and result in harm to the existing prevailing character of the street scene, its setting and the visual amenity of the area.

The existing bungalow is barely visible above the boundary fencing with an eaves height of 2.1m and ridge of 4.6m. The height of the development on this narrow site would increase to 6.7m and it would be located approx. 3m from the site frontage. Given this height and the distance from the site boundary the development would appear dominant in relation to the site boundaries. It is 1m from the rear boundary. The 2 storey design of the dwellings are prominent and visually obtrusive and discordant with the adjoining single storey dwelling 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 dwellings 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.

Policy D DM4 of Arun Local Plan requires applications for extensions to buildings to sympathetically relate to and be visually integrated with the existing building in terms of siting, massing, design, form, scale and materials. The proposed extension would completely consume the existing property and significantly alter its appearance. It would not be subservient or sympathetic to its existing design and would not be appropriate or harmonious with other development in the locality.

Therefore, the proposed dwelling is considered to conflict with policies D SP1, D DM1, D DM4 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.

Policies T SP1 (a) and T DM1 (a), support development which is designed to reduce the need to travel

by car, and requires new development to be located within easy access of established public transport services. Arun District Council has recently adopted its own Parking Standards SPD (Jan 2020) which now apply, rather than WSCC standards.

The design principles set out under Housing Design Policy 2 of the Rustington Neighbourhood Plan (RNP) include that:

- On road and off road parking provision on developments should meet local guidelines,
- Access from and to existing roads should not impede local traffic or reduce parking provision

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy 106 of the NPPF refers to maximum parking standards for residential and non-residential development.

In terms of parking, the Arun District Council Parking SPD would require a minimum of 2 car parking spaces to be provided on site for a 2 bedroom home in this location (Parking Behaviour Zone 4). The application proposes 1 car parking space per dwelling below this standard. County Highways have been consulted on the application and confirmed they have no objection, they anticipate that two parking spaces would be sufficient for a development of this size and location and note that vehicles would need to exit the site in reverse gear. Although parking is below standard the site is sustainably located, close to bus stops and within walking distance of Angmering station.

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. It is not considered that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Subject to planning conditions, the proposals would have an acceptable impact on parking and highways and would promote sustainable modes of transport, in accordance with the NPPF, ALP policies T SP1 and T DM1, and Rustington Neighbourhood Plan policy 2.

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. Policy QE SP1 states that the Council requires development does not have a significantly negative impact upon residential amenity. The design principles set out under Housing Design Policy 2 of the Rustington Neighbourhood Plan (RNP) include that development should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties as well as seek to lessen its impact on the surrounding area.

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.

The proposed dwellings at their closest point would be 1.5m from the rear boundary with 23 Mill Lane which has recently been extended to its rear. The dwellings would be located parallel to the extent of this recent development in terms of projection from the rear of 23 Mill Lane. The proposal would not therefore

be overbearing on the garden area of this property and the loss of light and overbearing impact on the rear extension and its rooflights does not cause a materially adverse overbearing impact given the orientation and 4.6m eaves height.

The other neighbouring dwelling in close proximity to the development is 29 Albert Road, but the new dwellings would be 4.5m from the side boundary at their closest point which is sufficient to ensure no materially adverse overbearing impacts would result.

There is not considered to be a loss of privacy to neighbouring properties as the design provides for main first floor windows serving the west elevation fronting the highway. The east elevation would have first floor window to serve a bathrooms and en-suites (which could be conditioned to be obscure glazed and fixed shut below 1.7m) whilst south elevation windows would have no first floor windows. The provision of additional first floor windows could also be controlled by condition.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP as it would have an acceptable impact upon the 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).

A 2 storey dwelling with 2 bedroom, for up to 4 persons requires 79m². The proposed floor areas of 81sqm and 85.3sqm exceed this and therefore the dwellings are 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. Both units have their main amenity areas to the side. The generally accepted garden length referred to in Arun's emerging design guide is 10.5m. The garden for the westerly unit is 8m deep and 4.5m wide. Below the size sought. This may be acceptable if it was in keeping with other garden sizes in the locality, but it is not. It is significantly smaller.

ECOLOGY

ALP policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Paragraphs 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Natural England provide guidance with regard to a range of Net Biodiversity Gain measures. Development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required.

The proposal includes removal of the only tree on the site reducing the biodiversity of the site.. Planning conditions with regard to works to removal of the tree being undertaken outside of the bird nesting season and bat and bird box installation and hedgehog provision can be conditioned to ensure enhanced biodiversity opportunities result.

Subject to these planning conditions, the proposals would protect and enhance biodiversity and protected species, in accordance with ALP policy ENV DM5 and relevant legislation.

FLOODING & DRAINAGE

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. The site is located in Flood Zone 1 (low risk of flooding)

and as such no flood mitigation measures would be required.

Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Policy 4 of the RNP states that 'Development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include sustainable drainage design features as appropriate for the ground conditions.

Due to the scale, location and type of application any alterations to surface water drainage can be constructed in accordance with building regulations. It is therefore the case that the proposal is in accordance with drainage policy.

SUMMARY

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

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The new floor area measures 81sq.m and the site is in CIL zone 4.

RECOMMENDATION

REFUSE

- 1 The proposed new dwellings, by reason of their design, height, siting and plot size, would be an overdevelopment of the site and result in overly cramped appearance within the plot unacceptably harming the character and visual amenity of the area in conflict with policies D SP1, D DM4 and D DM1 of the Arun Local Plan and 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.