

Recommendation Report for Planning Permission

REF NO: R/182/18/PL

LOCATION: 55 Milton Avenue
Rustington
BN16 2PL

PROPOSAL: Demolition of garage & construction of 1 No. 2-storey dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	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. The dwelling would project approx 14m, to an approx. width of 5m. It would be 5m to the eaves and approx. 7m to the ridge. The footprint of the dwelling would be set at 0.4m from the north boundary and approx. 1m from the southern boundary
	The layout also accommodates space for two cars on hardstanding to the front of the principle elevation.
SITE AREA	225 Sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	44 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by this proposal.
BOUNDARY TREATMENT	1.8m high close boarded to the north, east and south boundaries.
SITE CHARACTERISTICS	The site represents 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/275/13/	Proposed new dormer at first floor to form additional bedroom and bathroom and replacement roof light.	ApproveConditionally 07-02-14
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R/39/88

Extension to form dining area and utility room

ApproveConditionally
03-05-88

R/81/87

Replacement of existing free standing single garage with
a free standing double garage in a different positionApproveConditionally
11-05-87**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Rustington Parish Council

Rustington Parish Council raise no objection.

No comments have been raised by neighbouring occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no comment.

WSCC HIGHWAYS - no comment.

ENGINEERING SERVICES MANAGER - no comment.

ADC DRAINAGE ENGINEERS - No comment has been raised in regard to service water drainage. In the view that the proposal is supported the standard condition ENGD2A no be added.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Class D Road

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

The Development Plan consists of the Arun District 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 policies of the Rustington Neighbouring 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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 2011-2031 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)).

CHARACTER & DESIGN:

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.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(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."

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 in the street scene setting to its detriment. The proposal would appear at odds and would not reflect the pattern of development in the locality. It is considered that the proposed dwelling would fail to appear integrated with the existing larger neighbouring properties and plot widths.

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 2011-2031 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"

In respect of highway safety, it states that: "The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The proposal, with a maximum of two off street car parking spaces, is considered acceptable in terms of access and parking.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Rustington Neighbourhood Development Plan policies refer to residential amenity issues.

However, regard should be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments: (f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

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 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 dwelling size is suitable for residential use.

The dwelling is considered to be 2 storey, with 2 bedroom, for up to 4 persons. As such, the requirement is 79m².

The proposed floor area is 103m² and therefore the dwelling is in accordance with the standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes.

DRAINAGE

Policy 4 of Rustington Neighbourhood Plan is concerned about 'sustainable drainage' and states that '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.'

Drainage for a single dwelling would be controlled by building regulations. Surface water will be drained through soakaways in accordance with the building regulations and policy WDM2 of the Local Plan.

SUMMARY:

The site by virtue of its design, scale and position the proposal dwelling 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 and unneighbourly form of development. It is therefore recommended that permission be refused.

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 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.
- 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.