

Recommendation Report for Planning Permission

REF NO: R/190/18/PL

LOCATION: St Marys Close
Hurst Road
Rustington
BN16 3AP

PROPOSAL: Demolition of 1 No. existing house & grounds & erection of 2 No. new detached dwellings. This application may affect the character & appearance of the Station Road, East Preston Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of 2 dwellings on the plot of the dwelling known as St Marys Close. The dwellings would be detached, 2 storeys high and would each have 4 bedrooms. The appearance of the dwellings is similar, but they are not identical.
SITE AREA	0.14 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of mature planting to approximately 2.5m in height with the rear and side boundaries consisting of close boarded fencing, picket fencing and mature planting.
SITE CHARACTERISTICS	The site is occupied by a large detached two storey dwelling with rendered elevations and a tiled roof. A detached garage is situated to the west of the existing dwelling with gardens located to the east and south of the existing dwelling.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various design and styles. Dwellings in the immediate vicinity of the host dwelling are predominantly large detached properties in large plots. Immediately to the north of the site are bungalows and chalet bungalows of various designs and styles set within large plots and set back from the highway.

RELEVANT SITE HISTORY

R/202/18/PL	Erection of 1 No. dwelling (resubmission of R/219/17/PL). This application may affect the character & appearance
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of the Station Road, East Preston Conservation Area.

R/219/17/PL	Erection of 1 No. dwelling (resubmission following R/64/17/PL). This application affects the character & appearance of the Station Road, East Preston Conservation Area.	ApproveConditionally 13-12-17
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R/64/17/PL	Demolition of 1 No. dwelling & erection of 4 No. dwellings. This application affects the character & appearance of the Station Road, East Preston Conservation Area.	Refused 08-08-17
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**Appeal: Dismissed
22-01-18**

Planning permission was previously refused under reference R/64/17/PL for the demolition of the existing dwellinghouse and the erection of 4 no. dwellings on the site. This application was refused as the proposed development was considered to be over development and out of character with the immediate locality. The application was subsequently dismissed at appeal. This proposal reduces the number of dwellings adjacent to L'Abri to 3, instead of 4.

Application R/219/17/PL granted permission for a detached dwelling adjacent to the dwelling now proposed to be demolished.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No Objection

17 Objections

- the proposed development will have a detrimental effect on the character and appearance of Hurst Road, which is made up of 17 individual properties. This proposal contravenes both the Local Plan - D SP1 Design and the Rustington Neighbourhood Plan Policy 2 Housing Design.
- disappointed that the developer has submitted proposals for two houses of exactly the same design, using the same materials & with the same orientation, especially as this was explained to him in the original objections that it was one of the problems with his first submission for this site. They do not fit with the individual properties in Hurst Road or with the road's overall appearance and character. The proposed scheme contravenes the Local Plan - D SP1 Design as it does not "Respect, improve and enhance the existing surrounding environment". Also the proposal has not followed the Rustington Neighbourhood Plan Policy 2 Housing Design particularly point 4.12 "Development should not detract from the character and amenity of the nearby area.
- sufficient parking should be provided.
- these 2 properties share one driveway as opposed to the properties in the rest of the road, which have their own drive.
- Whilst the density of the development has been addressed it is not set back from the road in the same way as The Cedars and whilst there is presently some screening from the hedge at the front of the property, there would be nothing to stop the eventual owners of the properties choosing to remove

this.

- Additionally the drawings do not make specific allowance for the positioning of the existing trees in the road; a road featuring a regularly spaced tree lining that forms part of it's character. The plans should take this into consideration and give residents confident that the street scene will not suffer through this development.

- the boundary between the eastern and western plots, application references R/202/18/PL and R/190/18/PL respectively, are inconsistent with one another and, if not resolved, would result in a small piece of land being owned by more than one occupier. I guess this is an error in one of the developer's block plan diagrams.

- We would also request that the trees in the border to the front of the site are preserved. The lime and hawthorn trees are planted the length of Hurst Road giving a distinct character.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed materials and design of the properties have been amended so that each dwelling will have a different appearance.

There is no sound planning reason why the properties cannot share a driveway.

The trees on the verge fall outside the red edge of the application site and cannot be controlled/conditioned as part of any permission. Treatment of the front boundary is not stipulated but will be controlled by a landscaping condition.

CONSULTATIONS

Conservation Officer

Parks and Landscapes

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

The demolition of an existing dwelling and construction of 2 new dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal. If the Local Planning Authority (LPA) are minded to approve the application it is recommended that conditions securing cycle parking and car parking and turning are included.

Conservation Officer - No Objection. The position of the new dwellings is not considered to affect the conservation area, due to the presence of some intervening properties, which will in effect, have the result of screening them (even if to some extent). The design of the two dwellings is considered to be acceptable, subject to the quality of the materials and the window joinery to be used. Details of these should be submitted to the council by way of condition.

Drainage Engineer - Standard condition requested requiring ground water monitoring.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Requested conditions have been imposed. There would be ample space for cycle

storage within the garage space hereby approved. The proposal is located sufficiently far away for it not to affect the setting of the Conservation Area.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Adjacent to a Conservation Area

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems

[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 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 Neighbourhood Development Plan

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 Rustington Neighbourhood Plan has been made and policy 2 is considered relevant to the determination of this application.

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 considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 application site is situated within the built up area boundary where the principle of development is considered acceptable subject to accord with relevant development plan policies. In this case the key policy considerations are considered to be DDM1 and DSP1 of the Arun Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed development will provide replacement dwelling and an additional dwelling at St Marys Close, Hurst Road. This will result in a site density of approximately 14 dph which is considered in keeping with the established character of development along Hurst Road.

The proposed two storey dwellings will feature 4 bedrooms and an integrated double garage, with an eaves height of approximately 5.75m and a maximum ridge height of 8.9m. Hurst Road is characterised by dwelling of various designs and styles and it is considered that the proposed dwellings will appear in keeping with the established character of the immediate locality by virtue of their design, scale, massing and siting.

Full details of the materials proposed to be used in the development have not been provided and as such a condition has been included with this recommendation report requiring their submission for approval to ensure that they reflect the character of the locality in accordance with policy 2 of the Rustington Neighbourhood Plan.

The proposed dwellings will be set back approximately 16-17m from Hurst Road and will retain acceptable separation distances to the east and west. Therefore, it is considered that the proposed development will not have an unacceptably adverse impact upon the spatial pattern or character of the street scene.

Therefore, it is considered that the proposed dwelling will accord with policy DDM1(1) of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed dwellings will feature one en-suite window at first floor level on the eastern elevation and no windows at first floor level on the western elevation. However, the en-suite windows can be conditioned to require them to be obscurely glazed and non-opening below 1.7m from the floor level. This condition will prevent any unacceptable adverse overlooking to the west of the site.

The first floor windows on the rear elevation of the dwelling will only give rise to oblique views of the rear gardens of neighbouring properties and this relationship is considered acceptable in residential developments,

The proposed dwellings by virtue of their siting are not considered to give rise to any unacceptably adverse overbearing or overshadowing of the neighbouring properties. The two storey element of the dwellinghouse will be situated approximately 5m from the eastern boundary of the site. There will also be a separation distance of approximately 3m between the proposed dwellings, a gap of 1.5m to the eastern boundary and 1.5m to the western boundary. The dwellings would also be positioned in a similar position on the site to adjacent dwellings which means that there is no significant overbearing impact on adjacent garden areas.

Therefore, it is considered that the proposed development will accord with policy DDM(3) of the Arun Local Plan.

The rear garden sizes would be comparable with adjoining properties and the gross internal floor areas of the proposed dwellings will exceed the Nationally Described Space Standards and as such will accord with policy D DM2 of the Local Plan. Therefore, the proposed development is deemed to accord with paragraph 117 of the NPPF.

HIGHWAYS AND PARKING

The previous scheme for 4 dwellings was considered by WSCC Strategic Planning and no objections were raised in relation to the development.

The proposed development will provide 2 no. parking spaces on the driveway per dwelling as well as a double garage which will exceed the parking requirements of the WSCC parking demand calculator. Therefore, it is considered that the impact of the proposal upon the operation of the highways network will be acceptable. The proposed double garage will measure 3.2m in width and 11m in depth which will provide adequate storage space for bicycles as well as 2 cars, ensuring that alternative sustainable transport options are available to future occupiers.

DRAINAGE

The proposed scheme has been considered by the Council's Drainage Engineers who have raised no objection in relation to the scheme provided appropriate conditions are imposed.

SUMMARY

The proposed development is deemed to accord with relevant development plan policy and as such is recommended for approval subject to the below conditions.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans : Location 151117/LP-01, Block/Site Plan 151117 SL-02 revA, Additional Dwelling Plot 2 Elevations 151117/HT-A/EL/pl-2, Additional Dwelling Plot 1 Elevations 151117/HT-A/EL/pl-1, Additional Dwelling plots 1&2 Floor Plans 151117/HT-A/FP, Site Survey P1017 SHEET 1, Engineering Details 502-03 revA and Alternative Street Scene 100818/SSC revA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 6 The windows situated at first floor level on the eastern elevations of the dwellings shall in perpetuity be obscurely glazed and non-opening below 1.7m from floor level of the room in which the window is installed.

Reason: In the interests of residential amenity in accordance with policy DDM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure adequate parking provision is provided for the proposed development in accordance with policy DDM1 of the Arun Local Plan and the NPPF.

- 8 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the east or west elevations of the dwellings hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 9 No plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the site except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays.

Reason: In the interest of the amenity in accordance with policy DDM1 of Arun Local Plan.

- 10 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.