

Recommendation Report for Planning Permission

REF NO: R/203/18/PL

LOCATION: 70 Woodlands Avenue
Rustington
BN16 3EY

PROPOSAL: Additional 1 No. 2-bedroom dwelling within the roofspace of permitted building & related alterations (amendment to approved R/65/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for 2 storey development comprising 7 x 2 bed flats. Seven parking spaces and a bike and bin store are included to the front of the development.
SITE AREA	0.118 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	68 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fence to No.68. Rear Leylandii and shrubs to approx. 4m. To the frontage hedging/walling to 1.6m. Rear 3m high evergreen hedges in front of flat roofed garages.
SITE CHARACTERISTICS	The original dwelling house on the site has been demolished and the site has recently been cleared.
CHARACTER OF LOCALITY	Edge of village centre location. Predominantly residential characterised by a mix of building styles, age and type.

RELEVANT SITE HISTORY

R/65/17/PL	Demolition of existing dwelling & erection of two-storey apartment building (6no two-bedroom apartments)	ApproveConditionally 25-08-17
R/148/08/	Demolition of existing dwelling and erection of 5no two bedroom and 1no one bedroom flats	Refused 03-09-08
R/63/08/	Demolition of existing dwelling and erection of 6 x 2 bed flats	Refused 22-04-08 Appeal: Allowed+Conditions

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No Objection

One Objection - Lack of parking provision

- Unnecessary overdevelopment of the site.

- The approved plan R/65/17/PI provides just five parking spaces and one disabled parking space for six, two bedroom properties. This is at the lower end of parking provisions required for such a development. There is no provision for visitor or emergency vehicles and the approved plans assume that each dwelling will have just one vehicle each. The additional dwelling has no provision for parking at all. The surrounding roads that have on road parking are at full capacity with many vehicles parking dangerously on yellow lines or double parking. This is worse since the Churchill Car Park no longer allows overnight parking.

COMMENTS ON REPRESENTATIONS RECEIVED:

County highways have no objection to the proposal in highway terms. One additional parking space is being provided for the additional flat.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection.

The site is within an area of surface water flood risk. Therefore, please apply ENGD2B.

County Highways - No Objection. Suggested conditions

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area

Public Right of Way

Tree Preservation Order

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
ENVDM4	ENV DM4 Protection of trees
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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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 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.

Policy 2 'Housing Design' and Policy 4 'Sustainable Drainage' of Rustington Neighbourhood Plan are considered relevant.

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

PLANNING HISTORY

Following on from a dismissed Appeal the applicants submitted a full application for six 2 bed flats (R/63/08) which was allowed at appeal. The Inspector considered that the site was sustainably located with shops and other facilities within walking distance. In terms of massing, scale and bulk the proposed building had a slightly higher ridge line and eaves height than no. 68, but he considered the differences were not significant. Similarly the front of the building was slightly wider, but he did not consider this caused material harm or that the proposal was unduly prominent or obtrusive. He concluded that the proposed building would not have a harmful effect on the character of the area or the neighbouring properties.

A later application R/148/08 for 5 No. 2- bedroom and 1 No. 1-bedroom flat on the site was refused by Committee. This had a footprint measuring some 19.7m x 16m less than the 22m x 17m allowed at appeal and a height of 8.7m high at the highest point (excluding chimneys) as opposed to 9m in height (excluding chimneys) which was allowed at appeal. Further, the orientation and siting were amended to maintain greater rear amenity space. Car parking was to the front of the property as currently proposed. The application was refused.

The most recent application R/65/17/PL was amended following submission by providing an additional 1 metre gap to the rear boundary, decreasing the distance to the site frontage by 0.5m and decreasing the width of the access by 0.5m and increasing the width of the access to the bin store.

This application seeks to convert the roof area of the approved scheme by unit by creating an additional 2 bedroom flat. An additional parking space is included to the site frontage. There has been no increase in the height or footprint of the approved development.

PRINCIPLE

The site is located close to the village centre of Rustington which lies within the built up area boundary where the principle of residential redevelopment is acceptable. The only policy in Rustington Neighbourhood Plan relating to the allocation of housing concerns the Convalescent Home site and is not therefore relevant to the consideration of this application.

VISUAL AMENITY AND CHARACTER

The proposal follows approval of the building height and footprint as proposed. The appearance of the property has been amended to include dormer windows in the roof area and a balcony in the rear elevation. Whilst these alterations do increase the prominence of the roof area it is not considered that the change in appearance is sufficient to warrant refusal of the application. The design of the building, as originally approved, is not unattractive and is sensitive to its setting having the appearance of a large detached dwelling. It incorporates bays and brick corbelling which are not considered be out of keeping with its locality and the number of balconies are limited to one per flat providing uncluttered elevations. The materials to be used for the building are critical in order for the scheme to be of high quality and a condition is suggested requiring the details and samples of materials to be submitted and approved by

the Local Planning Authority. This is considered to be an important factor of any development on this site in order that it will readily assimilate to the character and appearance of the existing street scene. The ridge height of the proposed development would also be no higher than the dwelling to the north and the property would be set back from the site frontage 18m which reduces its visual impact and prominence in the street scene further.

In addition Rustington Neighbourhood Plan Policy 2 'Housing Design' requires layout to reflect that of surrounding buildings. The shorter rear garden length is similar to adjacent developments. 34 Church Road to the west has a rear garden length of 6m and Silverwood Court to the north has very little rear amenity space since the car parking area is located to the rear.

The Rustington Village Design Statement identifies design guidelines for development proposals. Woodlands Avenue is within Character Area 7, a largely residential area north of The Street. The Village Design Statement identifies brick facades and clay roof tiles as the prevailing architectural features of the area, with uPVC doors and windows commonplace. Brickwork facades are proposed at ground floor level, with white render to the first floor - providing an additional element of visual interest. Both neighbouring properties incorporate half brick, half white render facades. The proposals therefore comply with Policy D SP1 (Design) of the emerging Local Plan (2014).

Roof tiles and uPVC windows and doors are proposed in accordance with design guidance. An oak door is proposed within the main entrance to the building. The roof is partially set back and set down below the main ridgeline to both sides of the building, reducing the bulk and scale of the roof as a whole, when viewed from the street. The height of the property remains two storeys, which reflects the character of the area and provides an appropriate design solution within the parameters of the Village Design Statement guidance.

The proposals accord with all relevant design policies, as well as the more detailed design guidance tailored for the specific Character Area of Rustington within the Village Design Statement.

As previously approved, the proposal includes new 2m high close boarded fence to the rearward part of the southern boundary adjacent to the footpath to the south and a low 600mm wall with piers and metal railings above to 1.1m to the rest of the site frontage. There are railings to properties to the north of the site. It is considered that the proposed changes to the boundary treatment are acceptable. The terraced properties to the south of the site have open frontages, but these have a distinctly different character. The development reflects the more enclosed frontages to the north of the site.

RESIDENTIAL AMENITY

The 2 storey property would be located to the rear of the site and would leave a gap of 8m to the rear site boundary with Church Road. It would have an eaves height of 6m and a ridge height of 9.3m, 9m to the rear. There are 2 first floor bedrooms located in this elevation overlooking the gardens to the rear. At its closest point the development is 16.5m from the rear elevation of properties in Church Road. It is considered that this distance is acceptable and would not result in materially adverse overlooking impacts. Indeed, it reflects the distances previously allowed at appeal.

The proposal includes additional balcony windows and patio doors in the roof area at second floor in the south and west elevations. The balcony edge on the south elevation is 10m from the side boundary and faces over a footpath which would provide a 13m gap to the neighbouring rear portion of the garden area at 72 Woodland Avenue. This is considered adequate to ensure no materially adverse overlooking results to the adjacent side garden. The rear balcony faces onto the rear gardens of 34 and 36 Church Road which are relatively short. The proximity to the boundary is too close and adverse overlooking would result without adequate screening in place. A condition has therefore been imposed to ensure that

the balcony area is obscurely screened up to a height of 1.7m on this elevation.

The supporting text para 4.12 of the Rustington Neighbourhood Plan Policy 2 'Housing Design' states development should not impact on surrounding properties but should seek to maintain privacy. This proposal results in no materially adverse overlooking or loss of privacy to properties in Church Road and therefore does accord with the Neighbourhood Plan. The proposal also provides a gap of 3.5m to the northern boundary and is staggered on this elevation. This reduces overbearing impacts on the neighbouring property no 68 and ensures that no material harm results. Consideration has been given to the potential for overlooking 68 Woodlands Avenue and the secondary windows within the northern elevation at first-floor levels will be obscure glazed in accordance with the recommendations of the R/63/08 Inspector's Decision. The primary windows within the affected rooms would not offer significant views of the neighbouring property or gardens due to the acute angle of view available from these windows.

SPACE STANDARDS

The proposed dwellings are all compliant with the minimum floor space requirements set out in National Guidance and are capable of adaptation for wheelchair users with little need for modification. All accesses into the site provide level access and a disabled parking provision is included within the parking plan. It is also considered that adequate external space is provided. 3 units have their own patio areas, two have balconies and shared garden facilities to the rear are available for all flats.

IMPACT ON TREES

The tree officer previously requested that three trees are protected. Two are located within the application site and one within the garden of no 68 Woodlands Avenue and the plans were amended accordingly to incorporate their safe retention. The consultation response from the tree officer is awaited, but the position of the building remains unaltered.

HIGHWAY SAFETY AND CAR PARKING

The application includes 7 parking spaces, including one disabled which equates to one space per unit. The site is sustainably located close to the village centre shops, restaurants, library and bus stops and there is a public car opposite. This level of car parking is considered acceptable and was deemed appropriate at appeal.

CONCLUSION

It is considered that the application complies with development plan policies and is therefore recommended for approval subject to the following conditions

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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 1000 02,
Existing and Proposed Block Plan 1001 04,
Existing and Proposed Site Plan 1002 06,
Proposed Plans 2002 05
Existing and Proposed Site Sections 1003 06,
Proposed Elevations 2003 04

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 The development shall proceed in accordance with the Construction Management Plan approved by the Local Planning Authority under R/115/18/DOC.

Reason: In order to safeguard the amenity in accordance with policy DDM1 of Arun Local Plan.

- 4 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan.

- 5 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 provide car-parking space for the use in accordance with policies TSP1 of Arun Local Plan.

- 6 Development shall proceed in accordance with the drainage details approved under R/115/18/DOC.
- 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 WDM3 of the Arun Local Plan.
- 7 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 DDM1 of the Arun Local Plan.
- 8 The windows at first floor level on the east side elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above floor level.
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun District Local Plan.
- 9 The west elevation of the second floor balcony shall at all times be obscured to a height of 1.7m.
- Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy DDM1 the Arun Local Plan.
- 10 The development shall proceed in accordance with the materials and finishes to be used for external walls and roofs of the building approved under R/184/18/DOC.
- Reason: in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.
- 11 The proposed development shall proceed in accordance with the Initial Arboricultural Survey, Impact Assessment & Method Statement dated 9th June 2017 by PJC Consultancy ref 4340/17 - 01 rev R1 approved under R/85/17/PL.
- Reason: In the interests of amenity and of the environment of the development in accordance with policy DDM1 and ENV DM4 of the Arun Local Plan.
- 12 No development above damp proof course (DPC) level shall take place unless and until precise details of the bin and cycle store have been submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved details.
- Reason: To protect the amenities of nearby residents in accordance with Arun District Local

Plan policy DDM1.

- 13 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 14 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.