

Recommendation Report for Planning Permission

REF NO: R/204/18/PL

LOCATION: Springfield House
Springfield Close
Rustington
BN16 2SZ

PROPOSAL: 1 No. dwelling with detached garage (part resubmission following R/91/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

This application seeks approval to changes to the recent approval for one of the dwellings (Plot 1) on this site approved under R/91/17/PL. The dwelling has been increased in length by 1m and the distance to the eastern boundary has therefore been reduced by 1m from 7m to 6m.

The internal changes comprise the infilling of 2 small areas to the kitchen/breakfast and utility room to provide enhanced space internally. Externally the flat roofed dormers have been changed to pitched roofs, the porch design has been altered to incorporate a pitched roof and there are minor alterations to the fenestration generally.

3 roof lights have been added to the north elevation and one to the east to serve a relocated fifth bedroom at second floor level. The number of bedrooms has been maintained at a total of 5, but some of the bedroom sizes at first floor have increased. The brick plinth, arch and creasing tile details have been retained.

SITE AREA

0.23 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET)

43 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedging to approx. 2-3m is located along site boundaries

SITE CHARACTERISTICS

The application site comprises part of the garden area to a large detached dwelling with painted brick and stonework elevations of 2 storeys with gardens to the front, rear and sides. The site is flat and some of the trees within the site are covered by a Tree Preservation Order

CHARACTER OF LOCALITY

The area is part of a residential street comprising a mixed character with large detached properties of mainly 2 storeys

set in large plots set back from the highway with gardens to front, side and rear within a suburban environment.

RELEVANT SITE HISTORY

R/120/03/	Outline planning for 3no. detached dwellings	ApproveConditionally 13-08-03
R/13/97	Amendment to approval R/132/96 to replace proposed detached garage with integral garage including associated reduction in floor space and minor changes to siting of property.	ApproveConditionally 05-03-97
R/132/96	New dwelling and garage.	ApproveConditionally 09-09-96
R/91/17/PL	Erection of 2 No. dwellings with 2 No. detached garages	ApproveConditionally 16-06-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection.

6 Objections:

- A third floor is out of keeping with the area, and the western second floor window will overlook our property unless the current trees and foliage are maintained. This is worsened by the proximity to the boundary.
- Radios on site are strictly forbidden by the rules of the Willowhayne Estate and use on site will necessarily impinge on our properties.
- Concerns about wildlife and in particular owls and bats on the site
- The additional light pollution, in an otherwise dark area, will disturb adjoining properties, especially if mature hedging is removed as experienced after development at 7 Cross Road.
- Light pollution will also interfere with bats which can still regularly be seen flying at dusk in Springfield Close outside The Spires, contrary to ridiculous ecological survey undertaken only after heavy plant-use had already caused them to temporarily disperse. The survey should thus be deemed invalid. Protective legislation in place to protect bats & should be adhered to.
- The west facing dormer will overlook Pigeonhouse Lane properties unless retention of mature hedging is made part of any planning consent.
- Could the north windows be located in the south elevation overlooking the road? We object to first floor west window which overlooks and is intrusive to neighbours.

- Wildlife and habitat surveys should always be conducted prior to site clearance, which has not happened in this case.

COMMENTS ON REPRESENTATIONS RECEIVED:

The height of the building has not altered from that already approved under R/91/17/PL. Whilst roof lights have been added to serve the bedroom now located in the roof area, the third floor is not out of keeping with the existing dwelling which has a third floor. Wildlife surveys have been submitted as part of this proposal.

Control of radios playing is not a material planning consideration. If they are restricted on the estate this is a private matter.

The west facing dormer has already been approved and retains a distance of 10m to the boundary and 13m to the rear boundary of the property fronting Pigeonhouse Lane. The trees on the boundary are not indicated for removal.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. Informative requested.

Drainage Engineer - No Objection. Happy for drainage to be conditioned to be constructed as detailed in the surface water drainage proposals supplied.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Tree Preservation Order
No public sewer

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment

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 of Rustington Neighbourhood Plan is 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

Background

This proposals amends the earlier approved permission R/91/17/PL and incorporates changes to only one of the plots. The alterations are mainly alterations to design details, although roof lights are being added to 2 elevations. Permission for this dwelling therefore exists and this application will focus only on

the changes proposed.

Visual Amenity and Character

In terms of design it is considered that the dwelling fully responds to the context of the site, reflecting the architectural styles and massing of nearby properties as well as using the highest quality materials to be consistent with the local context. The fenestration changes do not significantly alter the appearance of the building. The addition of roof lights providing openings at second floor level reflects the principle of second floor openings established in the existing dwelling.

The site falls within 'Character Area 5' of Rustington Village Design Statement which is identified as an area 'characterised by low density large detached houses in private estates'. The document does not particularly relate to the 'eastern' side of Character Area 5 but mostly focuses on the 'western' side. It is considered that the proposal is compliant with this policy on the basis of the proposed plot sizes in relation to those adjoining and house design. Decorative brick arches and tile creasing courses have been incorporated to link the house to the Arts and Crafts and the detailing of the 20's and 30's found on the estate.

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 proposed development comprises a detached dwelling of similar and sympathetic design within the garden of the existing dwelling. With the exception of a 1m decrease in distance to the boundary with The Spires the plot size and position of the dwelling are not altered and remain in keeping with the spacious character of adjoining plots and the estate generally. The size and design of the property and the use of traditional materials is in keeping with the character of the area. The 2 storey height is also in keeping with the character of the area which comprises 2 storey dwellings of varying design.

In addition The Spires is a large detached dwelling of architectural merit which is considered a Heritage Asset. No demolition of the dwelling is proposed and the position of the dwellings, comparative plot sizes and revised design do not adversely affect its setting or historic interest.

Impact on Trees

The proposed layout has been designed to minimise the impact on tree loss and retain Preserved trees where possible. The proposal includes the retention of trees on the western boundaries of the site which could provide a buffer and screening to the access and dwelling to the north which is important in terms of visual and residential amenity.

Residential Amenity

Plot 1 is located approx. 18.5m to the east of the existing dwelling, The Spires, a minimum of 35m (west flank elevation proposed to rear elevation existing) from those properties on Pigeonhouse Lane to the west. The new dwelling would be 35m south of 5a Springfield Close, to the north. It is also proposed to provide a new hedge between Plot 1 and the existing dwelling. Plot 1 has also been positioned so that there is a separation from this new hedge and the dwelling, ensuring that there is a large distance from 'The Spires'.

The proposed dwelling would be sited an adequate distance from the site boundaries to preclude materially adverse overbearing and overlooking results to adjoining residential properties. Most of the existing trees and hedgerows on site are to be retained to create thick natural barriers between the

dwelling, especially to the north and west. The addition of roof lights to the north (rear) and east (side) will not significantly increase the amount of overlooking from the dwelling. Although cill heights would be provided at 1.4m, windows have been approved at first floor level in the both the rear and side elevations at first floor level. The rear roof lights would be located within the roof slope 18m from the boundary which is an adequate distance to prevent any materially adverse overlooking of the adjacent garden at The Grange to the rear. The eastern window would be 7.5m from the boundary and would face the front/side garden of The Spires and serve a bathroom. However the dwelling has been increased in length by 1m which has consequently reduced the distance to the boundary by 1m. Whilst retention of the mature landscaping would retain the existing boundary screening which reduces the direct overlooking which will result, the distance to the boundary is not considered to be sufficient to prevent direct overlooking of the relatively secluded side front garden of The Spires, particularly given the permissions that have been granted within the grounds, which mean that this part of the garden serving The Spires will be used more.

The dwelling is located 19m to the west of the existing dwelling and a minimum of 35m (west flank elevation proposed to rear elevation existing) from those properties on Pigeonhouse Lane to the west. The new dwelling would also be 35m south of 5a Springfield Close, to the north. It is also proposed to provide a new hedge between this plot 1 and the existing dwelling. It has also been positioned so that there is a separation from this new hedge and the dwelling, ensuring that there is a large distance from 'The Spires'. The position of the dwelling in relation to this boundary has not altered from that previously approved.

There is a significant degree of separation in combination with the retention and enhancement of the mature tree boundaries to the site will ensure the amenities of existing residents to the north and west are respected fully.

Internal room sizes are acceptable in terms of compliance with policies DDM2 and the Nationally Described Space Standards.

Highways

The proposal is acceptable to County Highways in terms of access and parking.

Drainage

Policy 4 of the 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.'

The proposal includes two of the above mentioned sustainable drainage design features; soakaways and permeable driveways/parking areas. Surface water will be drained through soakaways in accordance with the building regulations and the parking areas will have permeable finishes. The proposal includes a Surface Water Drainage Layout. The Council's Drainage Engineer has no objection to the proposal and the details were approved under application R/210/18/DOC and would accord with policy W DM3 Sustainable Urban Drainage Systems of Arun District Local Plan.

Ecology

A Reptile Survey, Badger Monitoring Survey and Bat Emergence Survey have been submitted as part of the proposal. The Council's Ecology officer was satisfied with the submitted details in relation to the Discharge of Condition application R/210/18/DOC submission and this was approved. The details

submitted as part of that approval have been included within this application and accord with policy ENV DM5 of Arun Local Plan.

The application is recommended for approval subject to the following 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. The

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 and Block Plan 181303/06, Ground Floor 181303/ 01, First Floor Plan 181303/ 02005, Second Floor Plan 181303/ 03, Roof Plan 181303/ 04, Elevations 181303/ 05, Proposed Garages 08A, General Arrangement Plan - Revision 2, Planting Plan, Surface Water Drainage Layout 1772/SK8, Cross Section Detail and Tree Retention and Protection Plan LLD1149/02 rev01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM 1 of the Arun Local Plan.

- 3 Development shall proceed in accordance with the Drainage Details submitted with the application and hereby approved.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM3 of the Arun Local Plan.

- 4 The development shall proceed in accordance with the Planting Plan, Landscape Scheme hereby approved. 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 DDM 1 of the Arun Local Plan.

- 5 The windows at first and second floor level in east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of the Arun Local Plan.

- 6 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the in the East elevation or roof of the dwelling hereby permitted which adjoins the side boundary with The Spires 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.

- 7 The development shall proceed in accordance with the submitted badger survey submitted with the application.

Reason: In the interests of animals/reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan

- 8 The development shall proceed in accordance with the submitted Arboricultural Impact Assessment and Method Statement dated 13-04-2017 and Tree Constraints Plan LLD1149/01 rev01 and Tree Retention and Protection Plan LLD1149/02 rev01.

Reason: To ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 9 The development shall proceed in accordance with the submitted Construction Management Plan 181303/01 hereby approved which shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area 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 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.

- 11 INFORMATIVE: The applicant is advised to contact the proprietor of Springfield Close to obtain formal approval to carry out the site access works on the private close.
- 12 INFORMATIVE: There is a possibly a highway drain located within the verge on the southern boundary. This may be affected by the proposed new access road and hence may require concrete protection. It would be wise to also verify its condition.
- 13 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 14 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.