

Recommendation Report for Planning Permission

REF NO: R/238/20/PL

LOCATION: Rear of 43 Old Manor Road
Rustington
West Sussex
BN16 3QS

PROPOSAL: Demolition of existing garage & erection of cabin in rear garden as dwelling. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal includes the provision of a 2 bedroom log cabin dwelling in the rear garden of the host property fronting Old Manor Road which is divided into 2 flats. The cabin would be 11.6m long by 3.66m wide with a height of 3.25m to ridge. The appearance of the proposal will be brown stained cladding with tiled pitched roof. The cabin will be accessed from the drive of the existing flats. One car space and cycle space are proposed.

The existing garage serving the units fronting Old Manor Road would be demolished.

SITE AREA

0.045 hectares.

RESIDENTIAL DEVELOPMENT 22 dwellings per hectare.
DENSITY (NET)

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Close boarded fencing to sides.
2m high wall to rear.

SITE CHARACTERISTICS

Site comprises part of the rear garden which serves a semi detached 2 storey property fronting Old Manor Road.

Parking and driveway to the side.

CHARACTER OF LOCALITY

The application dwelling forms a pair with the unit to the north. The site backs onto a site where 2 bungalows have recently been approved in the rear garden.

Predominantly residential comprising a mix of detached and semi detached dwellings of single and 2 storey of varying age and design. Entrance to school on opposite side of Old Manor Road.

REPRESENTATIONS

Rustington Parish Council - Objection:

- (i) The 11.6 metres length of the dwelling, would represent an overbearing impact on the neighbouring properties, namely Nos. 39, 41, 45 and 47 Old Manor Road.
- (ii) The proposal would have an adverse effect on the privacy, visual amenities and quiet enjoyment of the neighbouring properties.
- (iii) The proposal would represent an over-development of the site.
- (iv) The proposal could increase the vehicular movement in close proximity to Nos. 45 and 47 Old Manor Road, and would also result in an increase in pedestrian footfall along the boundary of these properties to their detriment.
- (v) The proposal, given its close proximity to the rear entrance of Rustington Community Primary School, would be likely to generate an increase in vehicular traffic entering and leaving the public highway to the detriment of highway safety and free flow of traffic at a point on the public highway which is already severely congested during School drop-off and pick-up times.
- (vi) The proposal would be in conflict with Policy 2 of the Rustington Neighbourhood Plan (mass and overbearing impact).

COMMENTS ON REPRESENTATIONS RECEIVED:

Impact on residential amenity and highway safety are discussed in the conclusions section of this report.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Drainage Engineer - No Comment

County Highways - Request receipt of plans that clearly show the existing and proposed parking provisions of the site.

Environmental Health - No Objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Tree Preservation Order on trees bordering road

DEVELOPMENT PLAN POLICIES

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

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
SDSP2	SD SP2 Built-up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Rustington Neighbourhood Plan has been made and policy 2 'Housing Design' is considered to be 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 conflict with relevant Development Plan policies in that there would be an unacceptable adverse effect on residential amenity and the character of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Plan and as such it is will be necessary to consider the proposal against the policies contained within these documents.

Policy D DM1 of the Arun Local Plan sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy D SP1 of the Arun Local Plan sets out 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.

Policy QE SP1 of the Arun Local Plan sets out that all development should contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents to the District.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY

The application seeks planning permission for the construction of a detached dwelling to the rear of 43 Old Manor Road. There would be no facilities shared with the existing property on the site frontage.

The proposed dwelling has been designed to appear as a log cabin. The premises fronting Old Manor Road are divided into flats. The upstairs flat has no parking or garden area, having sold off the rear part of the rear garden to the applicant.

The proposed dwelling will have a single parking space with a bin store located adjacent to the side boundary. The proposed garden would have a depth to the rear boundary of 2m and to the northern side of 2m and 4.9m to the south.

Although the proposed dwelling is situated off the access drive, and is situated to the rear of the existing residential development, and as such would not have a significant presence within the street scene, given the size, shape and position of the application site the proposals do not reflect the spatial layout and established character of the locality as required by policies D SP1 and D DM1 of the Local Plan.

The proposed dwelling by virtue of its design is not considered to reflect the established character of the area and as such would appear out of keeping with the form of development in the locality.

Part P of Arun Design Guide refers to infill development and requires any proposed scheme to meet the following criteria;

- The development to be in harmony with the prevailing character, building pattern and architectural style of the area
- That it is developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size.
- Provides a cohesive and unified response to the existing scale, form, massing and design details of surrounding development.
- Ensures that any deviations from the prevailing character of the area form a high quality design response which complements its surroundings and is appropriate to the scheme's location in the existing street hierarchy.
- Avoids tandem developments as a matter of principle.

As a tandem development the proposal conflicts with all of the above criteria.

The dwelling has limited space around it and most of the width of the site is occupied by built form. All the accommodation is provided at ground floor.

It is considered that given the shape and size of the plot the proposed development is cramped and does not integrate successfully in terms of layout with existing residential development.

It lacks adequate recognition of site context and reflection of the character of surrounding development in conflict with policies D DM(1) and D SP1 of Arun Local Plan and Arun Design Guide.

The plot is relatively small, by virtue of the plot size of adjacent properties in Old Manor Road to the sides, to the rear, the size would not be readily comparable either with those adjoining the site to the east. It is accepted that 2 bungalows have been approved on the site to the rear of this application site, but that site is wider and each dwelling had a useable and larger amenity area and parking provision and this is not proposed in this application.

The proposed structure by virtue of its design and the proposed layout of the site would introduce residential development to the rear of the existing dwellings which is currently undeveloped. Therefore, the proposed development by virtue of its siting and size is considered to have an unacceptable impact upon the established character and pattern of development within the locality of the site in conflict with policies D SP1 and D DM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

The dwelling would have a relatively low ridge height of 3.5m and the height of the dwelling combined with the 2m distance to site boundaries and 1.8m height of boundary screening is not considered to result in any materially adverse overbearing impacts to neighbouring properties.

The dwelling retains an adequate space to site boundaries which is not considered to adversely affect future occupiers. However the proposal makes limited and unacceptable provision for private amenity space. This limited space would result in additional noise and activity close to the rear gardens of adjoining properties which would be greater than that associated with the current rear garden area and would adversely affect residential amenity.

The recently approved plots to the rear had minimum rear garden depths of 7.8m and an overall size of the rear garden areas of 82sqm. The appeal Inspector had no issue with the overall size of the rear gardens. It was noted that the space around the dwellings differed from adjoining neighbouring gardens in that there was limited side and front garden area available to serve the dwellings.

This proposal has a rear garden area of 1.8m by 13m (23 sq m) and the greatest depth at any point would be 5m. The Arun Design Guide suggests that outdoor residential amenity space should fulfil a variety of functions and accommodate a range of activities and should be of an appropriate size and shape and integrated with surrounding uses and ensure that amenity is not compromised by proximity to parking or refuse areas.

This proposal has the main amenity area next to parking and bin storage and is not capable of providing a range of activities. The guidance requires a min. rear garden depth of 10.5m, but does state that smaller gardens with adequate daylight and privacy may also be acceptable in certain circumstances, when justified.

There is no justification provided for the limited garden size indicated and it is not considered that sufficient useable space is provided. The depth is limited with insufficient space available to provide for outdoor seating, drying clothes and recreation, particularly when the proposal is for a 2 bedroom unit of accommodation which it is anticipated would be occupied by more than one person.

The proposed garden space is below that provided on the redevelopment approved on the adjacent site and the proposal would not accord with policy QE SP1 in that it would not have a negative impact on the residential amenity of future occupiers.

The Council is applying the Technical housing standards - nationally described space standard. The proposals provides 1 no. dwelling with a gross internal floor area of 3.4m by 11.28m totalling 38.35sqm. The standard for a 2-bed/4 person single storey dwelling is 70sqm. The development would not be compliant with Policy D DM2 of the Arun Local Plan and guidance in the Government's 'Technical Housing Standards.

The use of the access to serve the dwellings, which would be adjacent to the boundary with 47 Old Manor Road, results in noise and disturbance from vehicle movements associated with the development which have an effect on residential amenities of the occupiers of the adjacent dwelling.

This access is 3.5m wide and the applicant is not proposing to provide any acoustic fencing on the boundary. The amount of traffic and activity proposed would reflect that associated with 1 dwelling. Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - which seeks to prevent unacceptable noise and disturbance." and policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential amenity.

The property which would be impacted most by intensification and extension of the access driveway is 47 Old Manor Road to the south and the host dwelling. It is accepted there is already access down part of the side of no 43 to the garage. The proposal will extend the driveway past the two existing houses and result in new vehicle movements to and from the new dwelling including by delivery vehicles. The driveway is proposed to be 3.5m wide with little space for planting to ameliorate any noise disturbance from vehicles.

A recent appeal decision (BE/102/18/PL) for a single dwelling to the rear of the host property with access to the rear similarly located to that proposed was dismissed on 20-09-2019 on the basis that in the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it had not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of adjoining properties and the proposal would not accord with policies D DM1 and QE SP1.

The access width in the appeal case was 2.7m, just slightly less than that proposed here. In addition, the side elevations of both the host dwelling and the neighbouring dwelling included windows. That would also be the case here. The Bersted case provided a driveway width of just 2.74m between the side boundaries (in this case it is 3.5m). The Inspector noted this would allow "around 0.5m space for landscape planting and was not satisfied that there was room to provide planting and/or acoustic fencing to adequately mitigate the harmful impact of engine noise and car lights on that property".

CAR PARKING

The proposed dwelling would remove the driveway parking area and garage available to serve the existing flats and would provide one space for the unit proposed. The upstairs flat has no parking or garden area, having sold off the rear part of the rear garden to the applicant. The downstairs flat could create some parking within the front garden area.

There would be space for 1 car to park in front of the new dwelling with space to turn. Whilst the addition of one dwelling would not result in a significant increase in the amount of traffic created in the area and would not have a 'severe' impact upon the operation of the highway network, the proposal reduces the available parking to serve the existing flats and does not provide sufficient parking for the unit created.

It includes demolition of the existing garage and removes the opportunity for vehicles to park on the existing driveway as is currently the case. The proposal incorporates cycle parking but only one parking space. The recently adopted Arun parking standards for 2 x 2 bedroom dwelling in this location is 2

spaces. The proposal does not meet this requirement and reduces the parking currently available to one of the flats which has a parking demand of 2 spaces as well.

It is therefore very likely that car parking on the street would result from the development in an area where parking is already at a premium and residential amenity would be adversely affected.

The proposal does not include a parking capacity study to demonstrate that adequate provision is available. Without this the Local Planning Authority is not satisfied that sufficient parking is available in conflict with policy TSP (d) of Arun Local Plan. A condition requiring provision of a car charging point could be imposed in accordance with requirements of policy T SP1 .

IMPACT ON WILDLIFE

The site does not fall in or adjacent to any designated sites of biodiversity or geological importance. The proposal includes a tree survey and there are preserved trees on the site frontage, though these are unlikely to be impacted by the proposed development. The application does not include a Preliminary Ecology Report to identify if any Protected Species are present on the site.

Policy ENV DM5 (Development and biodiversity) requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The proposal makes no provision for this and would increase the amount of development on the site thereby reducing the biodiversity on the site in conflict with this policy.

SUMMARY

It is considered that the dwelling would give rise to unacceptable adverse harm to the residential amenities of future occupiers and neighbouring properties and would not be sufficiently in keeping with the character and spatial pattern of development in the locality. The proposal is considered to be in conflict with policies D SP1, QE SP1 and D DM1(1) of the Arun Local Plan and the application is recommended for refusal.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 Given the size of the site and the proximity of the access to site boundaries the proposed dwelling would appear cramped and out of keeping with the spatial layout and character of the locality and would adversely affect the residential amenity of the adjoining properties contrary to policies QE SP1, D DM1 and D SP1 of the Arun Local Plan, policy 2 of the Rustington Neighbourhood Plan and Part P of Arun Design Guide.
- 2 The proposal would have limited internal floor space and external private amenity area to serve the dwelling which would give rise to unacceptably adverse impacts upon the residential amenity of future occupiers in conflict with policies D SP1, D DM2 and D DM1 of the Arun Local Plan.
- 3 The proposal does not include an ecological survey of the site or assess the impact of the proposal on biodiversity or include any enhancements, reducing the potential for biodiversity on the site in conflict with policy ENV DM5 of Arun Local Plan.
- 4 The proposal would not make adequate provision for parking on site and would therefore increase the pressure for on-street parking in the area where insufficient space is available adversely affecting residential amenity in conflict with policy TSP1(d) of the Arun Local Plan.
- 5 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.