

Recommendation Report for Planning Permission**REF NO:** R/305/14/PL**LOCATION:** Land to the south of The Tiled Barn
Station Road
East Preston**PROPOSAL:** Erection of 1 No. 3 bed dwelling & 1 No. 4 bed dwelling & demolition of existing garage & shed & erection of new car port. This application affects the character & appearance of the Rustington Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to the provision of 2no. detached 2 storey dwellings on land which is residential in use. One dwelling would have 3 bedrooms the other would have 4. The dwellings would share a parking/turning area.
SITE AREA	885 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	23 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Large tree on site frontage would be retained.
BOUNDARY TREATMENT	Mainly 1.8- 2m high close boarded fencing
SITE CHARACTERISTICS	Mainly grassed with a pitched roof garage building to the south and a flat roofed timber building to the north.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying style and form. The dwellings to the west are bungalows with a low profile and the dwelling to the north is 2 storeys. The 2 storey dwelling to the north has flint elevations with brick quoins and a plain tile roof. There is a flat roofed dormer on the side elevation.

RELEVANT SITE HISTORY

R/142/14/TC	Fell 1 No. Oak within the Station Road, East Preston Conservation Area.	No Objection 06-08-2014
R/66/72	O/A for detached cottage or bungalow	ApproveConditionally

		05-05-1972
R/53/75	Application for renewal of outline planning permission previously granted R/66/72 for detached cottage or bungalow	ApproveConditionally 25-04-1975
R/44/78	Renewal of outline for detached cottage or bungalows	ApproveConditionally 05-04-1978
R/68/81	Renewal of R/44/78 for outline planning for detached cottage or bungalow	ApproveConditionally 15-04-1981

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection

(i) The increased use of the existing access to the site would most definitely lead to an unacceptable level of disturbance to the property immediately to the West, namely Orchard Corner

(ii) The proposal would give rise to an increased movement of vehicles on to and off the public highway at this particularly hazardous point, which would be detrimental to the safety and free-flow of traffic, and would add to the risks for highway users to an unacceptable degree. The possible hazards for highway users at this location are further evidenced by the fact that there is a speed camera in fairly close proximity to the site, the reasons for which have been clearly defined by the Highway Authority, namely that this is a dangerous stretch of road which warrants such a camera.

(iii) The proposal would constitute an unsatisfactory form of back-land development which would be detrimental to the quiet enjoyment and visual amenities of Orchard Corner

(iv) The proposal to develop this site by the erection of 2 No. large properties would constitute an undesirable intensification of residential development, and would represent a severe over-development of the site

(v) This type of back-land/in-fill development would, if approved, create a precedent, with the local Planning Authority finding it more and more difficult to resist similar proposals in this vicinity, the cumulative effect of which would be to alter the character of the locality to the detriment of the amenities of the area.

2 letters of objection - Will ruin one of the few conservation areas of Rustington/ East Preston. The drive for the houses comes out at a dangerous corner. Previously this exit was rarely used by the owner, now exits from the drive will double. The increased use of the drive would be dangerous and visibility would not be possible.

The scheme is too large and cramped for its setting on the corner of Station Road. The developer has illegally cut down a historically important tree in the Conservation Area. Proposal would be detrimental to the surrounding area.

Comments on Representations received:

Comments on Parish Council representation - The site does not comprise backland development. The site has a frontage to Station Road. County Highways have no objection to the proposal so refusal on highway grounds could not be justified. The use of the area forward of the adjacent dwelling for parking and turning associated with both dwellings would

not cause material harm to the residential amenities of this property. The garage of the neighbouring property is adjacent to the boundary. The concerns regarding the amount of development on the site are shared.

Comment on other representations - County Highways have no objection on highway safety grounds. A mature oak tree was felled on the site which was the subject of R/142/14/TC. The officer's report concluded the tree was a prominent feature within the street scene and made a considerable contribution to the visual amenity of the wider conservation area. However, illegal and unauthorised 'ring barking' of the tree had led to the demise of the vascular band around the host tree which was starving the roots of glucose, and starving other parts of the crown of water and other important nutrients.

Were it not for this illegal activity the Council's Arboriculturalist stated that the tree would likely have had a Tree Preservation Order (TPO) placed upon it due to the immediate threat to its presence. Therefore, given the impending demise of this tree and the inability of the Council to place a TPO upon the tree the Local planning Authority were unable to raise any objection to this proposal. However, it was made clear that the action of 'ring barking' is an unacceptable way to deal with healthy trees and the practise of this technique in a conservation area without consent constitutes a criminal offence. The illegal works to the tree were the subject of a separate enforcement investigation which has been concluded.

CONSULTATIONS

Conservation Officer
WSCC Strategic Planning
WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Arboriculturist

Consultations responses received:

Conservation Officer -
The proposal is located within the East Preston/Rustington (Station Road) Conservation Area. As such it affects a heritage asset.

There is an attractive mixture of buildings of various ages and styles within the conservation area. The conservation area statement notes that the 'semi-rural appearance of the original village is retained in the spaciousness about the buildings, mature planting and the pleasant green at the junction of Vicarage Lane and Station Road'. The site is located opposite this particular area, and along with its location on the bend of Station road, means that it plays a prominent part of the street-scene. There is therefore potential to enhance this particular part of the conservation area.

This semi-rural atmosphere is further enhanced by the general lack of uniformity of the layout of the conservation area (there has been previous infilling in the locality). The proposal for two properties within the triangular plot appears to introduce a formality of building pattern that is witnessed outside the conservation area. It is considered that the intention to construct two properties in the site results in over development. A reduction to one unit would be more preferable. Further, both properties appear to be very similar in appearance, with little variation in design.

However, it is considered that the proposal to remove the existing boundary fencing and introduce replacement vegetation in the form of hedging and tree planting is supported.

County Highways - 2nd Consultation

Access point/Visibility

The applicant has now provided new plans showing the visibility splays that can be achieved from a 2.4m set back from the existing access point. The Highway Authority are of the opinion that these are acceptable given the 30mph speed limit on Station Road and the fact this is an existing access where visibility is being improved by the applicant by reducing the height of the boundary fencing/wall and removing the gates. The boundary wall either side of the access should be no more than 0.8m in height.

Internal turning and Parking

From an inspection of the amended plans and swept path analysis the proposed parking arrangements and turn on site space is considered acceptable, allowing vehicles to exit onto Station Road in forward gear. It was observed that an above average car size has been used in the supplied plans.

The access drive should be constructed of a bound material. The applicant should provide a gravel trap or area of block paving, or other bound material, at the point of access onto Elm Grove on land within the applicant's control.

Trip Generation

The proposal will result in an intensification of traffic movements onto Station Road; however it is not considered that the proposal would be detrimental to the local highway network. In addition the most recently available accident data indicates there has been no RTA (Road Traffic Collisions) as a consequence of the existing access.

Sustainability

The development is situated in a sustainable location, within walking distance of a range of services and public transport; hence there is no reliance as such on the use of the private car. This application therefore is in compliance with the NPPF (2012) in encouraging the use of sustainable transport.

Cycle parking should be included; this must be secure, covered and be capable of storing at least one cycle per bedroom for each dwelling. The actual details of the cycle parking facilities should be submitted to and approved by the Local Planning Authority (LPA).

Summary

The Highway Authority are satisfied that the proposed development accords with paragraph 32 of the National Planning Policy Framework in that safe and suitable access to the site can be achieved and that the proposed development will not have a server residual impact on the operation of the highway network. If the LPA are minded to grant planning consent the following conditions would be advised.

Parking, maximum achievable visibility splays and cycle parking conditions are requested

Conservation Area Advisory Committee

Strong Objection - Would suggest one property in a landscape dominated site to fit in with the Conservation Area.

Engineers - No Objection in principle. Standard conditions requested.

Council's Arboricultural Officer - No Objection provided methodology is adhered to.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN12](#)
[AREA2](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Parking in New Development
Conservation Areas
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
HER DM3 Conservation Areas
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. Rustington Neighbourhood Plan was made on 11-03-2015. The general housing design policy, Policy 2 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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities and upon the established character of the surrounding area.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it is considered to materially affect the character of the Conservation 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 site is located within the built-up area and within a Conservation Area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan mainly GEN7 and AREA2 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA

The proposal relates to the provision of 2 units on the site. 2 detached 2 storey dwellings which would be located approximately 6.5 - 8m from the site frontage. A shared parking turning area is sited to the south. The removal of the existing unattractive fencing and replacement with walling and planting would be a positive alteration which together with screening of the side dormer on Tiled Barn would enhance the appearance of the area. However this does not mean that residential development of the site in the form proposed would be acceptable. Landscaping enhancements could take place without further residential development and the harm resulting from the provision of 2 units outweighs any benefit derived from these boundary improvements. In addition the landscaping proposed would not be an adequate amelioration. It is considered that the number of units and layout submitted would adversely affect the character and appearance of the area. The hard surfaced parking area and dwelling footprints would occupy a significant proportion of the site area. The site is currently grassed and perceived as an open space between single and 2 storey development. The single storey structures within the site are barely visible behind the boundary fencing along the site frontage.

The site lies on the north western boundary of the Conservation Area and the character is defined as semi-rural with a loose grouping of buildings with a spaciousness about these buildings and prominent mature landscaping. A mature tree has recently been felled at the site which has detracted from the appearance of the Conservation Area and has emphasised the current open nature of the site. The site was originally included within the Conservation Area because of the spacious setting it gave to residential properties within the conservation area. The proposal would result in 2 dwellings that would be significantly higher than the bungalow to the west. They would occupy a prominent corner site and at their closest point would have a gap between them of only 1m. When combined with the proposed garage the whole of the site width would be covered with development eroding the spacious, verdant character. The prominence of the development and presence of built form would be further accentuated by the fact that the site level is higher than the adjacent highway. The shape of the plot is such that both properties would have tapered rear garden areas and the opportunity to improve or enhance the area with mature landscaping and make a positive contribution to the appearance of the conservation area has not been achieved and instead fails to preserve and enhance the character. The extensive site coverage has reduced the opportunity for significant planting. The new hedgerow planting should have a minimum depth of 0.5m to be effective and additional planting should be included behind the front boundary. The presence of planting along the site frontage if provided to any height would result in loss of light to the front rooms of the dwellings which would result in pressure for their removal in the future.

The tapered nature of the site results in development that is close to the site frontage. The dwelling at Plot 1 would project forward of the bungalow to the west and Plot 2 to the east it would be prominent and obtrusive given the position of the site on a corner and its 2 storey height and elevated position. The dwellings would also dominate from within the conservation area from the church and the junctions with Vicarage Lane and Angmering Lane. The perception of space currently derived from these views would be lost by the proposed significant built form. The inappropriate form of development would be further accentuated by the uniform appearance of units.

The proposal therefore adversely affects and does not preserve the character and appearance of the Conservation Area in conflict with policy AREA2 of Arun District Local Plan and policy HERDM3 of the Emerging Local Plan.

SPACE STANDARDS

The Emerging Local Plan contains policies relating to internal and external space standards. The proposal meets the gross internal floor area standards, but whilst the proposal does not fully comply with policy DDM2 of the Emerging Plan (bedroom size for bedroom 4 on plot 2 is below the 8sqm requirement) it is acceptable. The private rear garden area for the 4 bedroom is below the 100sqm standard in policy DDM3. The garden lengths are compliant with the requirement of 10m even though the width is restricted to the rear. Whilst some allowance can be made for non-adherence with this policy it is considered that the lack of full compliance serves to illustrate that too many units are proposed.

RESIDENTIAL AMENITY

The proposed development will not have an adverse impact upon the residential amenities of adjoining occupiers. The property to the west, Orchard Corner, will be separated from the dwelling on plot 1 by its own garage and the new car port. The proposed dwellings would have no windows other than those serving bathrooms at first floor level in their side elevations which face onto neighbouring properties and therefore no material loss of privacy would result to either neighbour. The property to the north, The Tiled Barn has a first floor dormer window on the side elevation, but a separation distance of 4 m is provided between The Tiled Barn and Plot 2 . This is considered adequate to preclude any adverse overbearing effects.

HIGHWAYS

County Highways have no objection to the proposal in terms of parking or access.

CONCLUSION

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

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 (the right to respect for 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 By reason of the shape and size of the plot and the proposed layout, design and number of units the development would appear cramped and obtrusive in the street scene and would fail to preserve or enhance the character of the East Preston/Rustington (Station Road) Conservation Area and have a damaging effect on the setting of the existing buildings of merit and interest within it. The proposal therefore conflicts with policies GEN7 and AREA2 of the Arun District Local Plan and policies DDM1 and HERDM3 of the Emerging Local Plan and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.