

Recommendation Report for Planning Permission

**REF NO:** R/58/25/PL

**LOCATION:** The Bungalow Station Road  
Rustington  
BN16 3BA

**PROPOSAL:** Proposed demolition of existing garage and storage area and construction of new self-build 3 bedroom dwelling, with new garages for both dwellings. This application is in CIL zone 4 and is CIL liable.

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| <b>SITE AND SURROUNDINGS</b> |
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| <b>DESCRIPTION OF APPLICATION</b> | This application seeks the demolition of existing single storage garage and storage buildings and the construction of a 1.5-storey dwelling with associated, detached single storey garage, and the construction of a detached 1.5-storey double garage with gym/office above that would serve the existing dwelling.                                                                                                           |
| <b>SITE AREA</b>                  | 1098sqm excluding access track to south through neighbouring land.                                                                                                                                                                                                                                                                                                                                                              |
| <b>TOPOGRAPHY</b>                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>TREES</b>                      | None of any significance affected by the development.                                                                                                                                                                                                                                                                                                                                                                           |
| <b>BOUNDARY TREATMENT</b>         | Close boarded fence with access gate to south of site, close boarded fencing and hedging to east boundary, tall flint walling to west boundary, close boarding fencing to north boundary.                                                                                                                                                                                                                                       |
| <b>SITE CHARACTERISTICS</b>       | The site comprises a long residential plot running north to south situated to the rear of the wider residential development of the area. It includes a single storey bungalow to the northern end with car port central to the plot, and a further substantial front amenity space area further south with single storey garage/storage buildings and attached car port to the southern end of the plot adjacent to the access. |
| <b>CHARACTER OF LOCALITY</b>      | The wider area is predominantly residential in character with the prominent and notable exception of the Georgian Gardens Community Primary School and its sports/recreation grounds immediately to the east of the site. There is also a Vehicle Repair Shop immediately south of the site.                                                                                                                                    |

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| <b>REPRESENTATIONS</b> |
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Rustington Parish Council - Objection:

- Due to the size, shape, height, mass, and design, the proposals are a severe overdevelopment of the site.
- Due to the limited site area and spatial relationship with neighbouring properties, the proposals would have an unsympathetic relationship, with Nos. 43-49 (odds) Park Drive and 7-10 Cleeves Court.

- The proposals would be detrimental to the amenity of the aforementioned residents by virtue of overbearing, overshadowing, and overlooking.
- Contrary to Rustington Neighbourhood Development Plan Policy 2.
- Concerns regarding the increase in vehicular movements and highways safety, particularly noting the restricted access onto Station Road.
- Concerns regarding the lack of visitor parking.
- Concerns regarding the lack of parking afforded to the proposed dwelling due to the narrow access and size of the dwelling.
- The height and scale of the proposed two-storey double garage adjacent to the shared boundary will have an unacceptably adverse impact on neighbouring residents.
- Concerns regarding the precedent of backland infill development.
- Concerns regarding the presence of mature trees on site and along site boundaries and the potential loss of these trees and harm to root networks.

**10 Objections from nearby occupiers:**

- Concerns regarding loss of outlook and openness.
- Concerns regarding the potential future conversion of the proposed double garage.
- Concerns regarding overlooking, overbearing, and overshadowing.
- Identifying the proposal as cramped and an overdevelopment.
- The proposal is out of keeping with the prevailing pattern, spacing, and grain of development on Park Drive.
- The massing, roof form, and minimal setbacks cumulatively harm local character.
- Concerns regarding the safety of the access.
- Concerns regarding potential damages to neighbouring trees.
- Loss of biodiversity and potential harm to ecology.
- Inadequate parking provisions.
- Inadequate amenity space provisions.
- No ecological assessment for bats and demolition of structures involved.
- Concerns regarding viability of construction process and parking/access being prevented.
- Concerns regarding pollution during construction.
- Concerns regarding the disrepair of the access road.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

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| <b>CONSULTATIONS</b> |
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**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:

Built-up Area Boundary.

**DEVELOPMENT PLAN POLICIES**

Arun Local Plan 2011 - 2031:

|        |                                              |
|--------|----------------------------------------------|
| SDSP2  | SD SP2 Built-up Area Boundary                |
| DSP1   | D SP1 Design                                 |
| DDM1   | D DM1 Aspects of form and design quality     |
| DDM2   | D DM2 Internal space standards               |
| ECCSP2 | ECC SP2 Energy and climate change mitigation |
| ENVDM4 | ENV DM4 Protection of trees                  |
| ENVDM5 | ENV DM5 Development and biodiversity         |
| QESP1  | QE SP1 Quality of the Environment            |
| TSP1   | T SP1 Transport and Development              |
| WDM3   | W DM3 Sustainable Urban Drainage Systems     |
| WMDM1  | WM DM1 Waste Management                      |

|                                                    |                      |
|----------------------------------------------------|----------------------|
| <u>Rustington Neighbourhood Plan 2014 Policy 2</u> | 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:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD11 | Arun Parking Standards 2020                   |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

**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 in conflict with relevant Development Plan policies in that it comprises an overly-dense form of backland infill development that is an overdevelopment of the site, out of character with the surrounding urban grain, and affords occupants with a limited standard of amenity and insufficient parking provisions. It also has an unsatisfactory spatial relationship to neighbouring properties, subsequent unacceptably adverse impacts on the residential amenity of neighbouring residents, and has not been supported by any arboricultural information to appropriately inform an assessment of its impacts on trees that contribute to local amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

#### **OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

#### **BIODIVERSITY NET GAIN**

In the absence of a completed S.106 agreement as described above, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

Nonetheless, it is likely that the Statutory BNG condition could be discharged and had this application been recommended for approval, either the completion of the relevant S.106 agreement would have been sought, or the Statutory BNG condition could have been applied and the matter resolved prior to commencement of the development.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site is in the Built-Up Area Boundary where the principle of development is supported subject to consideration against other relevant Development Plan Policies in line with Arun Local Plan (ALP) policy SD SP2.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development could be triggered. Paragraph 11(d) of the NPPF states 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

The proposed dwelling is in a sustainable location and the 'presumption' in favour of sustainable development is triggered. The proposals must be considered and determined in the context of paragraph 11(d)(ii) of the NPPF.

## CHARACTER AND DESIGN

The proposal is for a single residential dwelling with associated detached garage, and a detached double garage with office/gym room above that would be ancillary to 'The Bungalow' (the ancillary nature would have been controlled by way of condition had this application been approved).

There are a number of inconsistencies in the proposed plans submitted. Many of these inconsistencies were identified to the agent and amendments to rectify these issues were requested but no response to this effect was provided. Of note, the elevations of the dwelling include a modest front dormer, show no front rooflights, and include a clipped gable end to the front two-storey projection, all of which are inconsistent with the proposed site and block plans. The proposed double garage to serve the existing dwelling also features a single large front dormer on its elevations and inconsistent eaves heights between the drawings, while the proposed site and block plans identify two modest front dormers. For the purposes of this assessment, the proposed elevations have been considered as the accurate drawings, rather than the top-down views of these components on the site and block plans.

The proposed dwelling is of 1.5-storeys with brickwork to ground floor and white render to first-floor elevations. It also includes grey framed windows and doors and grey 'slate effect' tiles. While the dwelling is described as being of 1.5-storeys, it should be noted that the first-floor of the dwelling has significant mass despite being partially housed within the roof and features a two-storey forward projection and modest front dormer. The materiality and footprint of the proposed dwelling are not incongruous with residential dwellings within the locality.

The overall scale and mass, however, is contrary to Section P of the Arun Design Guide (ADG), which relates to backland infill developments such as this. It is contrary to this guidance, partly, in that the development is to the rear of dwellings along Park Drive and it lacks subservience to the predominantly two-storey dwellings along Park Drive. While it seeks to reduce the massing of the development at first-floor along the rear elevation by occupying the roof slope, the height of the eaves is greater than that of a traditional two-storey dwelling at approx. 3m, having limited separation distance from the rear elevation of the nearest residential dwelling at approx. 14m (7m less than the minimum recommendations of Section H.04 of the ADG), and an overall ridge height of approx. 6m. The result being a large, wide, and close roofscape extends above the shared boundary walling that lacks any significant subservience to and has an undue overbearing impact on the rear of the neighbouring property to the west (No. 47). Additionally, by featuring 3 No. rooflights within the rear roof slope, which, although could potentially be conditioned to be obscure glazed and non-opening, would still give rise to a close and unneighbourly perceived overlooking effect (discussed further in the neighbouring residential amenity section).

The proposed dwelling occupies a site that is approx. 324sqm, resulting in a development density of approx. 30 dwellings/ha, not including the detached garage. The area is best described as a village and this density is greater than the recommended 15-25 dwellings/ha outlined within Section G.02 of the ADG for such an area.

The site area includes a private side amenity space which is 6m deep, far less than the recommended 10.5m minimum outlined by Section H.04 of the ADG and reiterated in Section P. It is immediately abutted by the proposed double garage that would serve 'The Bungalow'. The shorter than recommended garden depth results in an unduly close and unsatisfactory spatial relationship between the proposed dwelling and double garage.

Whilst parking for the proposed dwelling is sought to be facilitated within the detached garage proposed opposite, this garage falls short of the 3m x 6m internal dimensions recommended in Section I.01 of the ADG, and as such, is not considered to comprise a dedicated parking space. Even if it were to achieve these dimensions, the parking contribution would be 0.5 spaces as outlined in the Arun Parking

Standards SPD. There is no alternative space on site available, discounting footprint and side amenity space, which could accommodate on-site parking without prejudicing access and as such, the proposed dwelling does not benefit from any sufficient on-site parking provisions, nor the capacity to accommodate further parking.

The proposed detached garage associated with the new dwelling is of a modest scale and although relatively tall overall (approx. 4.4m), it has an eaves height of approx. 2.2m and would be nestled into a site protrusion bounded by neighbouring trees. Whilst impacts to the trees are a concern addressed later, in terms of character and design, this garage and its siting are logical and acceptable. The materials for this garage are unclear, but this could have been controlled by way of condition and the garage would be clearly read as an ancillary structure to the main house.

The double garage with first-floor gym/office room, by virtue of its scale, mass, and proximity to the boundary would be a visually prominent form of development for neighbours to the west. Its design is relatively typical and unoffensive, however, the large front dormer is not complimentary to its roofscape, is overly dominant, and in conflict with the Design Guidance principles outlined in Section M of the ADG. However, within the context of the scheme, the garage would not be readily viewed from the public realm in any capacity and the harms of the overly dominant dormer are limited as a result. Whilst the structure is of 1.5 storeys and relatively large, it is separated significantly and visually disconnected from 'The Bungalow' and is not read in direct relationship with the dwelling as a result. The garage is subservient to the overall plot and would not detract from the visual amenity of 'The Bungalow' despite its relatively large scale.

Overall, with consideration of the higher than recommended plot density, the limited depth of the proposed private amenity space, the lack of sufficient parking provisions and unsatisfactory spatial separations from the proposed dwelling to the neighbouring dwelling to the west and the proposed double garage, the proposal represents a clear overdevelopment of the plot that fails to reflect the urban grain and overall character of the area.

The proposal is in conflict with the Arun Design Guide, ALP policies D SP1 and D DM1, and Rustington Neighbourhood Plan (RNP) policy 2.

#### **RESIDENTIAL AMENITY OF OCCUPIERS**

The proposed dwelling has three bedrooms and is over two storeys for the purposes of assessing the dwelling against the Nationally Described Internal Space Standards (NDSS). It features an internal floor area of approx. 160sqm which is well in excess of the 93sqm minimum for a dwelling of this type. Each habitable room is served by windows and the internal widths and areas of each bedroom is sufficient. The proposal complies with the NDSS as ALP policy D DM2 as a result.

As aforementioned, the depth of the private amenity space is far less than the minimum 10.5m recommended by Section H.04 of the ADG. The garden does benefit from greater width, but it would also be abutted by the tall double garage immediately to the north and within clear view from the kitchen, dining, and living room spaces. There is no overriding justification for the amenity space to be in such significant shortfall of depth and area. The site does not lie within a town centre location, nor a dense urban grain, and properties in the area generally benefit from much larger amenity spaces. The private amenity space proposed is not compliant with relevant guidance and would provide a poor standard of amenity to its occupiers.

The proposal would occupy a portion of the front amenity space and parking area serving 'The Bungalow'. The subtraction of amenity space from the existing plot would not be such that it is detrimental to the amenity of its occupiers, and there would remain ample parking for the existing dwelling.

The proposed dwelling is not afforded with sufficient parking provisions and parking immediately to the front of the proposed dwelling would exacerbate the already cramped development, and prejudice access through to the existing dwelling. The nearest public highways on which residential parking could lawfully occur would require occupiers to walk along the proposed access track, which has no footpath and a significant blind bend, in order to reach them. Parking along any of the nearest public highways would be out of sight from the proposed unit. This would be detrimental to the amenity of residents and it would be generally unsafe for individuals to traverse the proposed access track on foot, certainly on a regular basis. It cannot be assumed that the occupiers would be able to park on any separate private land.

The proposal is in accordance with ALP policy D DM2, but is in conflict with ALP policies D DM1 and QE SP1 insofar as the amenity space provision is limited and of poor quality in conflict with the ADG, and the lack of parking provisions would be unacceptably detrimental to the amenity of the occupiers.

#### NEIGHBOURING RESIDENTIAL AMENITY

The proposed dwelling would have an unsatisfactory spatial relationship with No. 47 Park Drive due to its approx. 14m separation distance between rear elevations, and the overall height (approx. 6.2m), massing, and presence of rooflights to the rear elevation. The approx. 14m separation distance is 7m less than the recommended 21m minimum outlined within Section H.04 of the ADG. Whilst this minimum generally applies to two-storey elevations with roofs above, and the proposal features a retreating pitched roof at first-floor, this does not serve to overcome the adverse overbearing impacts of having first-floor built form in such a close proximity to the rear elevation of No. 47. The width and height of the proposed roofscape would extend nearly the full width of the rear garden of No. 47, would rise well above the shared boundary treatment, and would be a visually prominent, large, dark roofscape with rooflights very close to the boundary. Conditions could be applied to ensure rooflights incurred no actual overlooking impacts, but their presence would, nonetheless, give an additional perceived overlooking impact.

Whilst the separation distances between the proposed dwelling and No. 47 are unsatisfactory, and there would indeed be an unacceptably adverse overbearing and perceived overlooking impact on No. 47, it is unlikely that the proposed dwelling would breach the 25-degree rule outlined within Sections G.03 and H.04 of the ADG. As such, while the roofscape would be a dark and large structure beyond the rear boundary, objectively, it could not be said to have an adverse overshadowing impact on No. 47, or indeed, any other neighbouring properties.

The proposed double garage is a relatively tall and broad structure (approx. 5.1m and 8.5m respectively) and would reside immediately east of the boundary wall shared between the rear garden of No. 45 Park Drive and the host site. The garage would have a similar but less harmful spatial relationship between itself and the rear elevation and garden of No. 45, when compared to that of the proposed dwelling and its relationship to No. 47 as described above. The garage would be approx. 15m from the rear elevation of No. 45 and would be slightly more than half of the width of the rear garden of No. 45. Owing to its form, the lesser height and width than that of the proposed dwelling, and greater separation distance between the garage and the rear elevation of No. 45, the proposed double garage would not have an unacceptable overbearing impact on the rear elevation of No. 45, nor its rear garden. While there would be some adverse overbearing impact and it is not disputed that it would be a prominent visual feature above the rear boundary relative to the currently open outlook, the overbearing impact would not be such that it could be described as significantly adverse.

For the reasons outlined above, the proposal is in conflict with ALP policies D DM1 and QE SP1.

#### TRANSPORT AND PARKING

The proposed dwelling has three bedrooms and is in Parking Zone 4, in which such a dwelling requires 2 No. parking spaces as outlined in the Arun Parking Standards SPD. The dwelling would be afforded a single storey garage. Whilst it is accepted that the proposed garage could accommodate a smaller car, the internal dimensions do not meet the recommended 3m x 6m outlined within Section I.01 of the ADG. As such, it cannot be guaranteed that the garage would provide sufficient space for larger modern cars or that the future occupiers would be able to make use of it as a parking space. Furthermore, even if the garage were treated to have sufficient internal space, it would equate to only 0.5 No. parking spaces as outlined in the Arun Parking Standards SPD. There is not suitable alternative location for the proposed dwelling to accommodate its required parking provisions within its site area.

WSCC highways have confirmed that should the required parking provisions need to be accommodated on the public highway network, this would not lead to a highway safety concern. They do however, go on to identify that the LPA may wish to consider the impacts of vehicular parking from an amenity point of view.

The proposal would deprive the existing dwelling of its existing parking area but provide a new area of hardstanding and a double garage. The proposed double garage also does not have a 6m internal depth, which, as aforementioned, means it could not be guaranteed to afford suitably large parking arrangements. The proposal does, however, include hardstanding to the front of the garage which would provide ample space to park 2 No. cars. As such, the existing dwelling would retain sufficient parking provisions.

Multiple representations expressing concern regarding the intensification of, and the visibility at, the vehicular access at the junction to Station Road. Whilst the access road is narrow, has a somewhat restricted visibility, and the junction is immediately adjacent to the junction of Park Drive and Station Road, WSCC Highways have reviewed the proposals and have raised no objections in respects of highway safety and identified that there are no transport grounds to resist the proposal.

The proposed dwelling would have required 1 No. EV charger and 2 No. cycle storage spaces. The provision of an EV charger and cycle storage provisions could likely have been secured by way of condition and accommodated within the grounds of the proposal.

The proposal is in conflict with the Arun Parking Standards SPD, however, taking account of WSCC Highways guidance through their consultation response, the proposal would be in accordance with ALP policy T SP1, and would not have any unacceptable impacts on the highways network.

## **ECOLOGY AND TREES**

The proposals have not been supported by any relevant arboricultural information. There are several early-mature trees on site and at the rear boundary of No. 47 to the west. There are also mature, prominent trees adjacent to the east site boundary.

The extent of removals/retention on site is unclear, but those on site are within an existing private garden and do little for local amenity. Those within the rear garden of No. 47 are of little public amenity value and appear to have grown despite the presence of existing structures within the host site immediately adjacent. It is unclear how the proposals would prejudice the trees at No. 47, but it is unlikely that they would be unduly prejudiced given the existing built context. Those adjacent to the eastern boundary, however, are mature, prominent trees with public amenity value. They form part of a distinct visual boundary around the playing fields of 'Georgian Gardens Community Primary School'.

None of the trees identified are covered by Tree Preservation Order, nor are they within a Conservation Area, but owing to the contribution those to the east of the site make to local amenity, any works that may be detrimental to their retention need careful consideration and relevant supporting assessments.

Indeed, any damage or loss to these trees would be resisted unless the proposals satisfied any relevant criteria outlined in ALP policy ENV DM4.

Should any trees not of local amenity value, such as those within the site, have been sought to be removed, a relevant compensatory planting scheme could have been conditioned.

The LPA has no evidence of protected species on site and from verbal correspondence with the Council's Ecologist, the single storey structures to be demolished are unlikely to accommodate bat roosts, having low-negligible potential.

The proposal is not in accordance with ALP policy ENV DM4 but is in accordance with ALP policy ENV DM5 in respect of protected species.

#### **BIODIVERSITY NET GAIN**

The proposal has sought to claim the self-build exemption for Statutory Biodiversity Net Gain (BNG) and as such, has not been required to submit relevant BNG assessments such as a metric or pre- and post-development biodiversity values. However, following a recent appeal decision received on 12/09/25 (APP/C3810/W/25/3363266), it has been made clear that a completed S.106 agreement is required to secure self-build developments as such.

In the absence of such a completed agreement, the self-build exemption cannot be claimed. Had the application been recommended for approval, the completion of the S.106 agreement could have been sought and awaited to resolve this matter. Additionally, should a further submission or appeal pursuant of this development be received, such a S.106 agreement could be submitted and completed at these stages.

In the absence of a completed S.106 agreement as described above, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

The NPPG indicates that it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective would not be met as the BNG condition is a pre-commencement matter to resolve. Decision makers, therefore, need to consider more broadly whether the condition is capable of being successfully discharged. In the context of the site, it is an existing residential dwelling with amenity space surrounded by similar urban development. The site is of low ecological value and there are no known constraints that would prevent the condition from being discharged. The only matter of note is that the site is, and would remain, a private residential garden. This means that the value of on-site biodiversity post-development would be capped to a set value and any on-site proposals could not be secured and maintained long-term. As such, off-site credits may be the only option to achieve the 10% net gain, which would still be compliant with the requirements.

ALP policy ENV DM5 requires developments to achieve a Biodiversity Net Gain of some value on site irrespective of the Statutory BNG requirements. Given the limited ecological value of the site, and its area, this would be achievable through condition and relevant ecological enhancements measures. The proposal could, therefore, have been compliant with ALP policy ENV DM5.

#### **ENERGY EFFICIENCY AND CLIMATE CHANGE**

Policy ECC SP2 of the ALP requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected, and to ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition would have been attached to any approval.

Subject to the relevant condition, the proposal would have been in accordance with ALP policy ECC SP2.

#### WASTE COLLECTION

The proposals would likely have had sufficient space to accommodate bin storage facilities to the front of the site, details of which could have been secured by way of condition to ensure they align with the recommendations of Section H.07 of the Arun Design Guide and ALP policy D DM1.

The existing waste collection mechanisms for 'The Bungalow' and 'The Old Cottage' are unclear as these residential properties are a significant distance from the public highway and the access is narrow. It is expected that municipal waste vehicles either navigate their way through this access to collect the waste or workers are required to enter on foot and bring the waste to Station Road. In any event, the proposed dwelling would be able to make use of the waste collection mechanism(s) serving these properties and as such, a sufficient waste collection mechanism would exist.

While the proposals are not immediately adjacent to the public highway and it is unclear that 'kerbside collection' would be strictly possible, in all probability a sufficient waste collection mechanism would be possible. The proposal is in conflict with ALP policy WM DM1, but for the reasons aforementioned, this is would not give rise to any significant harm.

#### DRAINAGE

The proposal involves the construction of 1 No. dwelling with associated garage, and a detached ancillary to the existing dwelling. The site is not within the Lidsey Wastewater Treatment Catchment Area, and subsequently, at this time, this scale of development does not meet the Local Planning Authority's consultation requirements for the Drainage Engineers to review the scheme, nor for the applicant to provide specific surface water drainage details. Such details would be addressed during the Building Regulations stage had the proposals been approved. It is noted the laying of hardstanding to form a driveway/parking at the existing residential site could likely have been undertaken without planning permission subject to the relevant requirements of the General Permitted Development Order. Conditions would have been imposed had this development been approved to ensure the hardstanding proposed would consist of permeable/porous materials in accordance with ALP policy W DM3 and RNP policy 4.

#### SUMMARY

The proposals comprises an overly-dense form of backland infill development that is an overdevelopment of the site, out of character with the surrounding urban grain, and affords occupants with a limited standard of amenity and insufficient parking provisions. It also has an unsatisfactory spatial relationship to neighbouring properties, subsequent unacceptably adverse impacts on the residential amenity of neighbouring residents, and has not been supported by any arboricultural information to appropriately inform an assessment of its impacts on trees that contribute to local amenity.

Whilst the proposal is not in accordance with various relevant Development Plan policies, the presumption in favour of sustainable development applies, and it needs to be considered whether the benefits of the proposed development are outweighed by the identified harms. Although Arun District

Council cannot demonstrate a 5-year Housing Land Supply, the cumulatively significant and demonstrable harms identified outweigh the limited benefits of providing 1 No. additional dwelling in a sustainable location and the short-term economic stimulus associated with it. As such, the proposal 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), 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 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 would have been required (dependent on any exemptions or relief that may apply).

## RECOMMENDATION

### REFUSE

- 1 The proposal comprises a dense overdevelopment of the plot that fails to reflect the urban grain and overall character of the area in conflict with the Arun Design Guide, Arun Local Plan policies D SP1 and D DM1, and Rustington Neighbourhood Development Plan Policy 2.
- 2 Due to the scale, massing, and proximity of the proposed dwelling to the neighbouring property to the west, the proposal would have unacceptably adverse impacts on the residential amenity of the neighbouring occupiers in conflict with Arun Local Plan policies QE SP1 and D DM1.
- 3 Due to the insufficient parking provisions and the reduced, low-quality private amenity space, the proposals would fail to provide an acceptable standard of residential amenity for future occupiers. This would result in significantly adverse impacts to their residential amenity and is contrary to the Arun Parking Standards SPD and Arun Local Plan policy QE SP1.
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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(s) 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 provide pre-application advice in respect of any future application for a revised development.