

Recommendation Report for Planning Permission

REF NO: R/66/20/PL

LOCATION: Land adjacent to 19 The Bramblings
Rustington
BN16 2DA

PROPOSAL: Residential development consisting of 1 no new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
	The new dwelling would be detached, 2 storey (including roof level accommodation), and would have a half-hipped and gable-end roof form. It would be constructed with red/brown multi-stock brickwork elevations, timber boarding to the front elevation, roof tiles, and UPVC or painted timber windows and doors. A new vehicular access would be provided off The Bramblings, there would be a driveway and car port, and a rear garden.
SITE AREA	0.09 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Various shrubs, hedgerows and trees on the site. There are a healthy number of moderate quality trees on and off-site which could be affected by the proposal. The dominant high-value tree, a Category A pine (T01) on the verge of the site, is also that which may be most affected and is the subject of a Tree Preservation Order (TPO).
BOUNDARY TREATMENT	Low stone boundary wall and shrubs to front of site. Shrubs to sides and rear of site. Hedgerow to rear of site.
SITE CHARACTERISTICS	The site consists of a detached, two storey residential property (with roof level accommodation) with a gable ended roof, and a single storey attached garage and rear extension. The property has white painted elevations, a brown/grey tiled roof and white window and door frames. It has a stone paved driveway and front, side and rear gardens.
CHARACTER OF LOCALITY	The Bramblings is characterised by grass verges with mature trees, enclosed frontages with walls and hedges, and detached bungalows and two storey properties set back from the road on relatively spacious plots with on-site parking on driveways and garages. The properties were generally built in the 1930s and have either brickwork or painted render elevations and tiled roofs, having some uniformity but also a

mix of styles. The area has a suburban setting.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection.

- Overdevelopment of site.
- Out of keeping with character of street scene.
- In conflict with housing Policy 2 of the Rustington Neighbourhood Plan.
- Adverse impacts on visual amenities and quiet enjoyment of neighbouring properties especially no. 17 The Bramblings and Little Orchard, Stonefields.
- Type of back land development if approved, sets precedence in area, cumulative affect on character of the locality to detriment of amenity.

21 objections have been received (including from the Sea Estate Residents Association), raising concerns as follows:

- Conflict with Housing Policy 2 of the Rustington Neighbourhood Plan.
- Sea Estate has unique character with tree lined roads, larger than average gardens, low density housing and spaces between buildings. Spaciousness to estate.
- Infill development and loss of space would dilute character of estate and must be resisted if area is to retain its special character.
- Sets precedent for future infill garden development in Sea Estate. Not in keeping with ethos of Sea Estate Residents Association.
- Site too small, overdevelopment, very close to boundaries with properties either side, cramped appearance. Out of character with street scene, which is currently well-proportioned and spacious.
- Not in accordance with Sea Estate covenants that properties should be 3m from the boundary.
- Design of new property not in keeping with adjacent properties and those of the Sea Estate.
- Overlooking and loss of privacy and quiet enjoyment to no.17.
- Gardens on estates vital for wildlife and environment and must not be lost.
- Trees to nos. 17 and 19 will be damaged or destroyed.
- Parking and traffic manoeuvring issues.
- Safety issue for cars, cyclists and pedestrians as road is narrow with no footpath and not conducive to three driveways in close proximity and with driveways opposite, limited sightlines.
- Noise and disruption during construction phase.

3 letters of support, including:

- Layout, materials and complimentary and comfortable juxtaposition to existing properties in the area would make this a desirable property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Impacts on visual and residential amenity of area, ecology, trees, and highways dealt with under 'Conclusions' section of this report.

If the application was to be approved, a planning condition requiring a Construction Management Plan would be applied, to ensure construction traffic, and noise, dust and vibration etc. would be adequately controlled. Construction working hours would also be controlled by condition and under separate legislation.

CONSULTATIONS

Arboriculturist
 Engineering Services Manager
 Engineers (Drainage)
 Parks and Landscapes
 Environment Agency
 WSCC Strategic Planning
 Ecology Advisor
 Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: No objection, subject to informative and conditions.

Highways Safety -

No evidence to suggest addition of 1 dwelling would exacerbate an existing highways safety concern regarding the access point from The Bramblings (private road) with Broadmark Lane (public highway), and the addition of 1 new dwelling is not anticipated to result in a material intensification of the use of this junction. Turning on site and accessing the parking spaces may require a multipoint manoeuvre. As this is a privately maintained road, there are no highway safety concerns.

Car and Cycle Parking -

The proposal includes 3 car parking spaces for the new dwelling. WSCC would require 2 spaces for a dwelling of this size in this location. The garage would not be large enough to count towards parking provision, however the 2 spaces required could be accommodated on the driveway.

ECOLOGY ADVISOR: Recommended planning conditions with regard to any external lighting scheme to minimise potential impact on bats, continued management of the site to ensure reptile habitat does not develop, works to trees or vegetation clearance to be undertaken outside of the wild bird nesting season or if works required during this time then a qualified ecologist needs to check the site within 24 hours of site works starting, and bat and bird box installation.

ADC DRAINAGE: Due to the location, scale and type of development, there are no drainage conditions to request but any alterations to surface water drainage construction should accord with building regulations.

SOUTHERN WATER: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Appropriate informative needs to be applied. As the site lies within a Source Protection Zone, so the LPA should consult the Environment Agency to ensure the protection of the public water supply source.

ENVIRONMENT AGENCY: Although the site is in a SPZ 2, as the proposal is for 1 new dwelling connecting to mains water supply, then it is not considered potentially contaminating development and there is no objection from the EA.

ADC TREES: Objection. Insufficient information has been provided to ensure the long term health and vitality of the TPO tree with high visual amenity value (T01 - Pine).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and dealt with under the relevant sections in 'Conclusions' of this report.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Rustington Neighbourhood Plan Area

Source Protection Zone

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
HSP1	HSP1 Housing allocation the housing requirement
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees

[Rustington Neighbourhood Plan 2014 Policy 4](#) Sustainable Drainage

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
SPD11	Arun Parking Standards 2020

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 policies contained within the Rustington Neighbourhood Plan (made 2015) are relevant in the determination of this current 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 be in conflict with relevant Development Plan policies in that it would have a significantly harmful impact on the character of the street scene and the visual amenity of the area, would fail to protect residential amenity of neighbouring occupants and to demonstrate that trees would be protected. As such, the proposals would fail to accord with Arun Local Plan policies D SP1, D DM1, QE SP1 and ENV DM4 and Rustington Neighbourhood Plan policy 2.

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:

Policy SD SP2 of the Arun Local Plan (ALP) states that development should be focused within the Built Up Area Boundary (BUAB) and will be permitted, subject to consideration against other policies in the Development Plan.

The site is located within the Built-Up Area Boundary. As such, the proposed development in this location is acceptable in principle, as per ALP policy SD SP2, subject to consideration against all other relevant policies of the Development Plan (Local and Neighbourhood Plan).

The LPA currently has a 2.9 year housing land supply (i.e. below the required 5 year HLS).

The proposed addition of 1 new home would be welcomed since it would add to the housing supply within the District and accord with housing supply policy H SP1 of the ALP.

VISUAL AMENITY:

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. The Arun District Council Design SPD is due to be adopted mid 2020 and provides detailed design guidance for developments in the District.

Housing Design Policy 2 of the Rustington Neighbourhood Plan (RNP) states that 'Development proposals 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'. The supporting text refers to design principles including:

- Development should not detract from the character and amenity of the nearby area
- New builds should be in scale to the locality and height restricted (to include roof space) to scale with similar nearby properties.
- To ensure the density of new development is in keeping with the Character Area.

This policy requires the design of all housing schemes to reflect the local character of different parts of the parish by responding positively to the relevant guidance in the adopted 2010 Rustington Village Design Statement. The RVDS identifies the site as being located within Character Area 5. The Guidelines state this part of the CA is characterised by the predominant use of brick walls and tiles, grass verges, private driveways, trees and low density of buildings contained in the private estates in the larger eastern area of CA5.

Paragraph 122 of the National Planning Policy Framework (NPPF) supports development that makes effective use of land and achieves appropriate densities, whilst taking into account the need for different types of housing, local market conditions and viability, the availability and capacity of infrastructure and services, and the desirability of maintaining the areas prevailing character and setting. Paragraph 127 details the design requirements for new development.

The Bramblings, which forms part of the Sea Estate in Rustington, is characterised by low density detached houses set within relatively spacious plots with front, side and rear gardens and gaps between buildings. There is a sense of spaciousness which forms an important part of the character of the street scene and wider estate, as originally planned and laid out in the 1920s. The proposed subdivision of the plot at no.19 to form 2 plots would result in plot widths (around 12m each) much smaller than the plot widths of other properties nearby in The Bramblings (majority being over 20m). It would also reduce the gaps between boundaries and adjacent buildings to less than 3m and result in a loss of spaciousness between and around buildings. As such, the proposals would fail to reflect the characteristics of the site and local area, including the existing established pattern of development, plot layouts and housing density of the area. The density of this new development would not be in keeping with the low density of Character Area 5, as identified in the RVDS and required by policy 2 of the RNP. Given the size of the site it would represent overdevelopment of the site and would have a cramped appearance which would fail to relate satisfactorily to surrounding plots. The proposals would detract from and result in harm to the existing prevailing character of the street scene, its setting and the visual amenity of the area.

The detached nature and the 2 storey height and scale of the proposed new dwelling would reflect the typology, height and scale of nearby properties. The half-hipped and gable-end tiled roof form would reflect other roof designs in the area. The proposed roof form massing would reduce the overall mass of the building within the street scene. The brickwork elevations with timber boarding and tiled roof, and the general design would be compatible with the design and materiality of other houses within this road.

However, by reason of its siting and plot size, the proposals would represent overdevelopment, have an overly cramped appearance, and would harm the character of the area thereby being unacceptable in principle in this location and should be refused on this basis. The proposals would fail to accord with design and housing policies in the NPPF and D SP1 and D DM1 of the Arun Local Plan, Policy 2 of the Rustington Neighbourhood Plan, and guidance set out in the Rustington Village Design Statement.

RESIDENTIAL AMENITY:

Policy D DM1 of the Arun Local Plan states that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states that the Council requires development does not have a significantly negative impact upon residential amenity.

The design principles set out under Housing Design Policy 2 of the Rustington Neighbourhood Plan (RNP) include that development should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties as well as seek to lessen its impact on the surrounding area.

Paragraph 127 (f) of the NPPF states that development should have a high standard of amenity for existing and future users.

The internal layout and door/window/rooflight positioning and type of the new dwelling have been designed in such a way as to avoid significant overlooking and loss of privacy to neighbouring occupants. On the southern side elevation, facing toward no. 17 The Bramblings, there would be a ground floor door serving a utility room and one rooflight at first floor serving Bedroom 3. On the northern side elevation, facing toward the existing property at no. 19 The Bramblings, there would be a ground floor cloakroom window and a high-level slot window serving the dining/family room, and at first floor level 2 dormer windows serving a bathroom and a shower room, and one rooflight to the stairs/landing. The two first floor level side facing windows could be conditioned to be obscure-glazed and fixed shut up to a height of 1.7m to avoid any overlooking into no.19. On the rear west elevation there would be a set of 4 panel doors serving the dining/family room and a kitchen window at ground floor level, and two windows at first floor level to the master bedroom and bedroom 3. These would be sited at a separation distance of around 18-19m distance to the nearest side and rear facing openings of Little Orchard on the adjacent road Stonefields. As such, it is concluded these new openings would not result in significant overlooking to Little Orchard. Whilst it is acknowledged there would be some increased overlooking from the new dwelling toward the gardens of nos. 17 and 19 The Bramblings, this would not be toward the primary outdoor amenity space closest to the rear of these houses, and would not be so different from the existing views that can be gained from the upper floor windows of other nearby properties.

With regard to outlook and daylight, the new dwelling would have a separation distance of around 2.5m from the side elevation and roof of no.17 The Bramblings. As the side elevation and roof to this property only includes 1 ground floor window serving a garage, it would not be likely to be impacted by significant overbearing or overshadowing (loss of outlook and daylight). The proposed dwelling would extend beyond the rear elevation of no.17 by around 3m in depth and at a 2 storey height. The proposals would comply with the 45 degree requirement for daylight and so would appear to have an acceptable impact on daylight to the rear openings of no.17. Taking this into account, its separation distance and roof form, with the mass and bulk set away from the side boundary, it is considered the proposal would not result in significant overbearing or loss of outlook to the rear openings to no.17.

The new dwelling would have a separation distance of around 2m from the side elevation of no.19 The Bramblings. The side elevation to this property includes side facing windows at ground floor and first floor which serve habitable rooms e.g. living rooms and bedrooms. The applicant has made the point that, since the existing property at no. 19 is within the applicants control, and since they state that these side facing windows are not the only primary windows serving these habitable rooms, changes could be made at no.19 e.g. windows blocked up etc. However, the role of the LPA is to consider the existing situation on site and determine the application as presented. As such, it is considered that the proposals would result in significant and harmful overbearing and overshadowing (and loss of outlook and daylight) to these side facing habitable room windows at no.19. The development would fail to accord with the 25 degree test in relation to these neighbouring windows, indicating that there would be a materially significant impact on daylight to these windows. The proposed dwelling would extend beyond the front elevation of no.19 by around 3m in depth and at a 2 storey height. The proposals would comply with the 45 degree requirement for daylight and so would appear to have an acceptable impact on daylight to the front openings of no.19. Taking this into account, its separation distance and roof form, with the mass and bulk set away from the side boundary, it is considered the proposal would not result in significant overbearing or loss of outlook to the front openings to no.19.

By reason of its siting and scale, the proposals would have a significant and harmful overbearing and overshadowing impact on the nearest side facing openings at no.19 The Bramblings. The proposals would fail to protect neighbouring residential amenity, contrary to the NPPF, policies D DM1 and QE SP1 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

INTERNAL & EXTERNAL STANDARDS:

Policy D DM2 of the ALP states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards provide guidance. The national guidance advises that for a 2 storey 3 bedroom home, the minimum Gross Internal Area is 84sqm - 102sqm (with 2.5sqm built-in storage). The proposed dwelling would have a GIA of at least 84sqm.

Whilst the Council does not have specific external space standards, the supporting text to ALP policy D DM2 refers to the emerging Arun Design Guide SPD (due to be adopted mid 2020), which includes guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. The existing plot would be subdivided between the 2 properties. There would be sufficient garden space to serve each of the dwellings with external private amenity.

BIN STORAGE:

The Proposed Block Plan and Site Plan provided does not show any provision for refuse/recycling bin storage. However, in the event of the application being approved, a planning condition could be applied requiring details of bin storage to be submitted and approved, in accordance with ALP policy WM DM1 and RNP policy 2.

PARKING & HIGHWAYS:

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Policies T SP1 (a) and T DM1 (a), support development which is designed to reduce the need to travel by car, and requires new development to be located within easy access of established public transport services. Arun District Council has recently adopted its own Parking Standards SPD (Jan 2020) which now apply, rather than WSCC standards.

The design principles set out under Housing Design Policy 2 of the Rustington Neighbourhood Plan (RNP) include that:

- On road and off road parking provision on developments should meet local guidelines,
- Access from and to existing roads should not impede local traffic or reduce parking provision

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy 106 of the NPPF refers to maximum parking standards for residential and non-residential development.

WSCC Highways have been consulted on the application and confirmed they have no objection, subject to an informative (applicant should get formal approval from owner of this privately maintained road for the new site access works) and planning conditions (to secure car/cycle parking and EVCP provision). They confirm that there is no evidence to suggest addition of 1 dwelling would exacerbate an existing highways safety concern regarding the access point from The Bramblings (private road) with Broadmark Lane (public highway), and the addition of 1 new dwelling is not anticipated to result in a material intensification of the use of this junction. Turning on site and accessing the parking spaces may require a multipoint manoeuvre. As this is a privately maintained road, there are no highway safety concerns. They

conclude that the Local Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

In terms of parking, the ADC Parking SPD would require a minimum of 2 car parking spaces to be provided on site for a 3 bedroom home in this location (Parking Behaviour Zone 4). The application proposes 3 car parking spaces for the new dwelling. The garage would not be large enough to count towards parking provision, however, the 2 spaces required could be accommodated on the driveway. Electric Vehicle Charging Points would be required and a planning condition be used to secure this. The ADC Parking Standards would require 2 cycle parking spaces to be provided on site, in secure and covered cycle storage. Again, a planning condition could be used to secure this.

Subject to planning conditions, the proposals would have an acceptable impact on parking and highways and would promote sustainable modes of transport, in accordance with the NPPF, ALP policies T SP1 and T DM1, and Rustington Neighbourhood Plan policy 2.

ECOLOGY:

ALP policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Paragraphs 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Natural England provide guidance with regard to a range of Net Biodiversity Gain measures. Development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required.

The Council's Ecology Advisor has been consulted on the application. They have recommended planning conditions with regard to any external lighting scheme to minimise potential impact on bats, continued management of the site to ensure reptile habitat does not develop, works to trees or vegetation clearance to be undertaken outside of the wild bird nesting season or if works required during this time then a qualified ecologist needs to check the site within 24 hours of site works starting, and bat and bird box installation.

Subject to these planning conditions, the proposals would protect and enhance biodiversity and protected species, in accordance with ALP policy ENV DM5 and relevant legislation.

FLOODING & DRAINAGE:

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. The site is located in Flood Zone 1 (low risk of flooding) and as such no flood mitigation measures would be required.

Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Policy 4 of the RNP states that 'Development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they includesustainable drainage design features as appropriate for the ground conditions.

The Council's Drainage Engineer was consulted on the application, and has confirmed that due to the location, scale and type of development, there are no drainage conditions to request but that any

alterations to surface water drainage construction should accord with building regulations. In accordance with ALP policy W DM3 and RNP policy 4, the requirement for a sustainable drainage plan showing SUDs measures to be incorporated into the scheme could be secured by way of a planning condition.

The Environment Agency confirmed that, although the site is in a SPZ 2, as the proposal is for 1 new dwelling connecting to mains water supply, then it is not considered potentially contaminating development and there is no objection from the EA.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. Various shrubs, hedgerows and trees on and near the site. There are a healthy number of moderate quality trees on and off-site which could be affected by the proposal. The dominant high-value tree, a Category A pine (T01) on the verge of the site, is also that which may be most affected by the proposal, and is the subject of a Tree Preservation Order (TPO).

The application is accompanied by a Tree Survey Schedule, Tree Constraints Plan and a Tree Protection Plan (TPP). In addition to illustrating the tree protection measures, the TPP also includes substantive text - the required information usually to be found in an Arboricultural Impact Assessment & Method Statement.

The Council's Arboricultural Officer requires that the 'no dig' construction method for the driveway is to take place after the erection of the tree protective fencing and prior to the main construction phase of the dwelling. This is critical, given the absence of any ground protection measures for T01. With respect to T01, the RPA circle shown does not adequately reflect the required area of protection containing sufficient roots and rooting volume to maintain the tree's vitality. It therefore follows that the actual extent of RPA intrusion is more extensive than that which has been illustrated on the TPP plan. As such, the whole of the driveway construction should be constructed by 'no-dig' method and to within 2m of the front elevation, with the protective fencing extended to the west to ensure adequate protection of T01. The relationship between the 'no-dig' construction of the driveway and adjacent ground levels has not been described in detail or shown on any cross-section drawing. The viability of this critical element of the development proposal must be confirmed by a civil engineering exercise, so it can be ensured that T01 will not suffer damage and that finished ground levels in a broader context will be acceptable.

In conclusion, although the principle of development on the site is achievable in arboricultural terms by adopting the tree protection measures proposed, there is a risk during such incursion of RPAs. This is especially significant where the tree in question is of such high public amenity value (T01 - Pine). There is important information lacking (as described above).

The proposals have failed to demonstrate that trees would be adequately protected, and as such, are contrary to policy ENV DM4 of the Arun Local Plan.

SUMMARY:

The proposed new dwelling, by reason of its siting and plot size, would result in overdevelopment of the site, have an overly cramped appearance within its plot, and would harm the character of the area thus failing to accord with design and housing policies in the NPPF and D SP1 and D DM1 of the Arun Local Plan, Policy 2 of the Rustington Neighbourhood Plan, and guidance set out in the Rustington Village Design Statement. In addition, the proposals would have a significant and harmful overbearing and overshadowing impact on the nearest side facing openings at no.19 The Bramblings, thus failing to protect neighbouring residential amenity, contrary to the NPPF, D DM1 and QE SP1 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan. The proposals also fail to demonstrate that trees would be adequately protected, contrary to the requirements of Arun Local Plan policy ENV DM4.

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

The creation of 1 new dwelling would be CIL liable. The site is within CIL Charging Zone 4 and is chargeable at £100 per sqm of new residential floorspace. However the application is to be refused so this is not relevant.

RECOMMENDATION

REFUSE

- 1 The proposed new dwelling, by reason of its siting and plot size, would result in overdevelopment of the site, have an overly cramped appearance within its plot, and would harm the character and visual amenity of the area failing to accord with design and housing policies in the NPPF, policies D SP1 and D DM1 of the Arun Local Plan, Policy 2 of the Rustington Neighbourhood Plan, and guidance set out in the Rustington Village Design Statement.
- 2 The proposed new dwelling, by reason of its siting and scale, would have a significant and harmful overbearing and overshadowing impact on the nearest side facing openings at no.19 The Bramblings, thus failing to protect neighbouring residential amenity, contrary to the NPPF, policies D DM1 and QE SP1 of the Arun Local Plan and Policy 2 of the Rustington Neighbourhood Plan.
- 3 The proposals provide insufficient information and fail to demonstrate that trees, including the long term health and vitality of a high public amenity value tree which is the subject of a Tree Preservation Order (T01- Pine), would be adequately protected. As such, the proposals fail to accord with policy ENV DM4 of the Arun Local Plan.