

Recommendation Report for Planning Permission

REF NO: R/72/19/PL

LOCATION: 6 Manor Road
Rustington
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the erection of two number, three bedroom, two storey detached dwellings on land to the rear of 6 Manor Road.
SITE AREA	1323 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	76 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to approx. 1.8m height. Hedging to rear to approx. 5m.
SITE CHARACTERISTICS	The application site consists of existing private amenity space associated with an existing residential property and would involve the removal of the existing garden shed in the corner of the rear garden and the demolition of a garage to the side of the dwelling to create a vehicular access to the side of the host property.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and is characterised by mainly detached and semi-detached bungalows. At the entrance to Grafton Close the bungalows have limited curtilages.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection

- The proposal would have an adverse effect on the visual amenities and quiet enjoyment of the neighbouring properties and, in particular, 4 Manor Road, Nos. 1 and 2 Grafton Close, Nos. 5 and 6 Laburnum Walk and 37 Old Manor Road.
- The proposal represents over-development .
- The proposal conflicts with the Rustington Neighbourhood Plan (Policy 2 Housing Design)

- The proposal would result in an increased number of vehicles being dependent on a very narrow and single point of access, and would be likely to attract additional standing vehicles which would interrupt the free flow of traffic on the public highway, adding to the hazards for road users
- This type of back-land development would make it increasingly more difficult for the Local Planning Authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area.

33 Objections (including additional comments from objectors following re-advertisement)

- The development should comprise bungalows.
- A ridge height of 6.2 m is pushing the description, this is a house and will have a social impact on my outlook towards these proposed properties.
- One large bungalow located centrally in the proposed location would be more appropriate and in keeping with the appearance of neighbouring properties.
- Loss of privacy into the garden of bungalow.
- The ridge height will be nearly 2m higher than the existing bungalows at numbers 2,3 and 4 Grafton Close. This is not sympathetic to the existing area.
- Concern that the new parking spaces immediately backing onto garden will result in fumes which will adversely affect quality of life and safety if vehicles go into neighbouring garden.
- Concern regarding construction work within such a small and narrow road.
- Did not receive any notification regarding the proposed development.
- There were at least 7 trees in this plot where the application is saying none, is there a preservation order ?
- There was a covenant for the existing property.
- There are discrepancies with the ridge height which is still too high to fit in with the existing properties.
- Roof plan shows barn hips, but elevation is showing full gable ends.
- The original planning submission clearly stated that there were no trees or hedges on the property. That was a blatant lie as at the time there were. These were cut down, totally regardless of any birds who may have been nesting in them.
- Manor Road is a narrow, busy road in which cars are generally parked particularly at school times. Long term construction work will cause a major disruption to everyone and Fairlight Residential Nursing Home at the end of the road generates emergency transport which needs access.
- There are discrepancies with the application in terms of scaled dimensions and design.
- Concerned by the height of the new chalet bungalows and with no street scene or elevation showing the relationship between the proposed chalet bungalows and the existing bungalows.
- Even the lower front projection of the proposed chalet bungalows, which has a ridge height of 5.11m is higher than the existing bungalows.
- Concern that buildings will be 2 metres higher than existing bungalows in Grafton Close & no 6 Manor Rd. They will look very out of place.
- Concern regarding demolition of garage & building at the rear of no.6 Manor Rd containing asbestos.
- Concern about noise & disruption over a long period of time.
- Not in keeping.
- Concern regarding overlooking and loss of privacy.
- The ridge of 6.2m will tower above neighbouring property.
- Major concerns regarding how this site will be managed during the build.
- If the development goes ahead there are just two parking spaces allocated for each new house. In reality this will mean more on street parking for their visitors or tradespeople.
- One person lived on site for many years. Now there will be 10 bedrooms on this site. Can our current services cope?
- Cramped
- A single dwelling would be more in keeping.
- Position and height needs looking at again.

- Access to garage block to rear should not be blocked.

COMMENTS ON REPRESENTATIONS RECEIVED:

Access to garage block and covenants are private matters.

The application has been advertised in accordance with procedure.

The plans are now correct and distances to boundaries are noted on the plans.

Asbestos removal is covered by other legislation.

The amount of parking provided meets standards.

Approval of the application would not set a precedent. All applications are dealt with on their own merits.

County highways have no objection to the proposal in terms of highway safety or parking provision.

There was no preservation order on the trees in the rear garden.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Parks and Landscapes

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer - No Objection

With this being a smaller development of less than 7 dwellings then open space on site is not a consideration. However development of any kind should consider greening to add to the proposal and to enhance the setting. Indicative landscaping has been shown, for this development, further landscape detail should be provided forming a scheme that will maximise the biodiversity of the site with the inclusion of mixed ornamental and native species for the creation of a variety of habitats. The landscape proposals will need to be shown in plan form detailing species choice, planting densities and size at time of planting.

Any adjacent trees associated with this location and offsite that may have roots within the development area should be subject to tree protection measures.

County Highways - No Objection

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Conditions and Informatives are requested.

The current proposed plans meet the Vehicle Parking standards and Cycle Parking Standards set out by WSCC.

Drainage Engineer - No Objection. Conditions suggested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

[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
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Rustington Neighbourhood Plan has been made and policy 2 'Housing Design' is considered to be relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would result in dwellings which would appear incongruous within the street scene, out of character with the established pattern and character of existing residential development and would fail to secure an adequate standard of residential amenity for future occupiers of the site.

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 application site is situated within the built up area boundary, as established by policy SD SP2 of the Arun Local Plan, where the principle of development is acceptable subject to the developments accordance with relevant policies contained within the Development Plan.

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

DESIGN AND VISUAL AMENITY

The application seeks planning permission for the construction of 2 detached two storey dwellings to the rear of 6 Manor Road. The proposed dwellings have been designed as chalet bungalows with first floor residential accommodation contained within the roof space.

The proposed dwellings will each have 2 parking spaces and a rear garden depth of 8m. The smaller rear garden area measures approximately 83 sqm. A small front garden area is also identified to the front of the proposed dwellings. 165m² is retained as rear garden for the existing property which would be adequate to serve the bungalow.

Although the plot sizes are relatively small, by virtue of the plot size of adjacent properties in Grafton Close and Campbell Road, to the rear, the sizes would be readily comparable with those adjoining the site to the east and south. Indeed 1 Grafton Close has a very limited rear garden area and the proposed rear garden areas for the plots would exceed this size. The proposed dwellings are situated off the access road, which is located to the rear of the existing residential development, and as such would not have a significant presence within the street scene of Manor Road.

The type of dwelling is compatible with those adjoining the site which comprise bungalows in Grafton Close and 2 storey dwellings to the rear. The proposed structures by virtue of their design and the proposed layout of the site would introduce residential development to the rear of an existing dwelling which is currently undeveloped with the exception of garden sheds. However, the siting, design and materials are considered to have an acceptable impact upon the established character and pattern of development within the locality of the site in compliance with policies D SP1 and D DM1 (1) of the Arun Local Plan and policy 2 of Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed development by virtue of its location to the rear of the existing properties is isolated and would not sit within the established street scene. Therefore, it is considered that the proposed development does not integrate with existing residential development. As a consequence of its set back location, limited site area and proximity of the dwellings to site boundaries it is also considered that the proposed development would adversely affect future occupiers. The first floor layout is contrived and results from an attempt to protect the adjoining existing residential properties to the rear and the host dwelling to the front from a loss of privacy from first floor windows. As a consequence the provision of obscure glazing to all rear dormer windows means that the only source of outlook from bedroom 2 is from a forward facing dormer window in the corner of the front elevation of the dwelling. This would result

in an unacceptable impact on the residential amenities of future occupiers of the proposed dwellings. The proposal would therefore conflict with policies DSP1 and DDM1(3) of Arun Local Plan.

The proposal also makes limited provision for private amenity space, the garden depths are less than 10 metres, but given the overall garden size the proposed space is considered adequate.

The proposed development is situated to the rear of 6 Manor Road as well as to the side of 2 Grafton Close. The proposed dwellings will have a relatively low ridge height of 5.9m and the height of the dwellings combined with the distance to site boundaries is not considered to result in any materially adverse overbearing impacts. There are no first floor windows proposed above ground floor level in the side elevations of the dwellings.

The Council is applying Nationally Described Space Standards (NDSS). The proposed properties provide 132m² Gross Internal Area each over two floors which exceeds the minimum required space standards for a 6 person 3 bed 2 storey property.

SUMMARY

It is considered that the proposed dwellings would give rise to unacceptable adverse harm to the residential amenities of future occupiers. Therefore, the proposal is considered to be in conflict with policies D SP1 and D DM1(3) of the Arun Local Plan and the application is therefore 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.

RECOMMENDATION

REFUSE

1 The site by virtue of its size and shape, is considered unsuitable to accommodate 2 dwellings

and private amenity space satisfactorily without damaging residential amenity. The proposal is contrived in design and would result in a form of development which would be detrimental to the residential amenities of future occupiers, contrary to policy DDM1(3) and DSP1 of the Arun Local Plan.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.