

Recommendation Report for Planning Permission

REF NO: WA/22/19/PL

LOCATION: The White Cottage
West Walberton Lane
Walberton
BN18 0QS

PROPOSAL: Demolition of existing dwelling & erection of 1 No. replacement dwelling (amendment to WA/49/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of existing dwelling & erection of 1 No. replacement dwelling (amendment to WA/49/18/PL). The amendments proposed to that granted under previous application ref: WA/49/18/PL are as follows: Enlargement of the footprint of the dwelling by 28 sq.m. to the east including the garage. Enlargement of bedrooms 1, 2, 3 and 4. Introduction of a void instead of bedroom 5. Introduction of a bathroom between bedrooms 3 and 4. Enlargement of sections of the roof of the dwelling. Alterations to the elevations of the dwelling incorporating new gable ends with windows that extend from ground floor to first floor on the north elevation.
TOPOGRAPHY	The site falls from north to south.
TREES	The site is enclosed by boundaries with mature vegetation on all sides. The most important trees are located just outside the western boundary and along the northern boundary.
BOUNDARY TREATMENT	The largely square (in plan) site is enclosed by either fences or high vegetation for the most part.
SITE CHARACTERISTICS	The existing bungalow is of no particular architectural merit and is located in the southern half of the spacious plot
CHARACTER OF LOCALITY	The site is located on the eastern edge of Fontwell at a point where there is a change in character from higher density urban forms of development to lower density sporadic rural plots in a verdant setting.

RELEVANT SITE HISTORY

WA/49/18/PL	Demolition & erection of 1 No. dwelling.	ApproveConditionally 19-09-18
WA/90/16/HH	Side, rear & front extensions	ApproveConditionally 12-01-17

The current property has been subject to a recent permission to substantially extend the property. Officers also note the previously granted application for the demolition and erection of 1 No. dwelling under application ref: WA/49/18/PL.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

No objection.

No further neighbour objections were received in response to site notices.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC Drainage Engineer - No objection.

ADC Tree Officer - No objection subject to conditions.

Southern Water - No objection subject to an informative.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

OUTS BUILT AREA

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

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 Walberton Neighbourhood Plan (WNP) has been adopted and the following Policies apply:
HP1, HP11, HP13, VE3,VE7.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

The Application site falls outside of the Built-up Area Boundary within the countryside where Policy C SP1 applies. Land will be defined as countryside and will be recognised for its intrinsic character and beauty. Here development will be permitted where it is for one of the uses listed within the criteria a-k. Officers note that the use of land within the Countryside for residential does not fall within any of the criteria a-k. However, It is noted that previously granted application ref: WA/49/18/PL allowed the granting of a replacement dwelling outside of the Built-up Area. From an assesment, this proposal merely makes alterations to that previously granted and is broadly similar. Additionally, it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties. Also the proposal would not have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

The following matters have been identified as the key considerations in this case.

- 1 - Principle of the development
- 2 - Design and visual amenity
- 3 - The impact upon the amenity of neighbouring residents
- 4 - The impact upon trees
- 5 - Highway considerations (Highway safety and parking)
- 6 - Drainage matters
- 7 - Space Standards
- 8 - Walberton Neighbourhood Plan

PRINCIPLE:

The site is located outside of the Built-up Area Boundary, within the countryside, where Policy C SP1 of the Arun Local Plan applies. Land will be defined as countryside and will be recognised for its intrinsic character and beauty. Here development will be permitted where it is for one of the uses listed within the

criteria a-k. While the use of land within the Countryside for residential does not fall within any of the criteria a-k, it should be noted that there is an existing dwelling on the application site. Additionally a replacement dwellinghouse was permitted on the site under previously granted application ref: WA/49/18/PL.

This application makes amendments to the replacement dwelling granted under previous application ref: WA/49/18/PL. The dwelling would be broadly similar and would be sited in almost the same place as that previously granted.

The key Policy considerations in the determination of this application are deemed to be D DM1, D DM2 , D SP1, ENV DM4, W DM3, T SP1, T DM1 and QEDM1 of the Arun Local Plan 2011-2031. Also the following Policies of the Walberton Neighbourhood Plan would apply, HP1, HP11, HP13, VE3 and VE7.

The adopted Neighbourhood Plan states at policy HP1:

By reference to Policies SD SP2 - Built-up Area Boundary, C SP1 - Countryside, GI SP1 - Green infrastructure and development, SD SP3 - Gaps between Settlements, Policy H SP1 - Strategic housing, parish and town council allocations, and other relevant Policies, development proposals for new dwellings as specified in the Development Timeline in Schedule 7, and identified on the Proposals Map in Schedule 7, will be supported. Development proposals for other new dwellings outside the Built-up Areas will be resisted unless the Plan has made specific provision for those proposals.

The Planning Officer, with regards to the previously granted application, ref: WA/49/18/PL, considered that: technically a proposal for a replacement dwelling is contrary to policy HP1 because it doesn't fall within the forms of development that are supported and therefore by default the policy seeks to resist this type of scheme.

This is likely to be an unintended consequence of how the policy is written rather than a specific policy objection to the proposal. It is noted that the Parish response doesn't object to the principle of the scheme. However, it is not the role of the decision maker for this proposal to re-write this policy on the basis of what it could have said.

Therefore, a policy conflict must be acknowledged.

and that:

The new updated NPPF is largely silent also on the question of replacement dwellings in the countryside, although there is policy support for replacement buildings in the Green Belt (and whilst such a designation does not apply to this site the underlying support for the principle can be taken to also apply to the countryside generally). There is also general support for rural housing and the reuse of previously developed land and for sustainable forms of development.

In terms of the three objectives of sustainable development, the proposal would create some minor economic benefits from the construction of the dwelling. From a social perspective, the site is located adjacent to the Fontwell built up area boundary and would not involve a net increase in the number of new homes and so any social impact would be broadly neutral. The same applies in respect of the environmental objective provided the issues of trees and surface water drainage are addressed satisfactorily.

Overall, the proposal is considered to represent a sustainable form of development and given the other material considerations which weigh in favour of the principle of the development, the planning balance (notwithstanding the policy objection) lies in favour of granting permission in principle subject to the other

matters addressed below.

DESIGN AND VISUAL AMENITY:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Officers note the amendments proposed to that previously granted under application ref: WA/49/18/PL whereby the proposal would be made larger, in size and scale. Even though the property would be larger than that previously granted it is considered that it would not be significantly larger than ,and would also be sited in broadly the same position as, the previously granted replacement dwelling.

The replacement dwelling proposed by this application proposes an increase in the footprint of the dwelling by approximately 25.82 metres squared. It is considered that this would not, when the increase in height and internal alterations are also taken into account, create a dwelling of a size, scale and massing which would be considered to be such that would warrant refusal.

From an assesment of the proposed materials it is considered that they would be acceptable.

The existing cottage is visible from the road, but only through the narrow entrance gate. The new property will therefore be visible from the lane.

The proposal includes the addition of a gable end with a window spanning from the ground floor all the way up to and including the first floor. This gable end and window is proposed into the rear north elevation and while views of this elevation would be visible from Arundel Road, they would be limited given the trees along the rear boundary of the site providing screening. Additionally the rear north elevation would be set approximately 13.5 metres from the rear boundary at its closest.

It is considered that the proposed replacement dwelling would not have a detrimental impact on the street scene.

There are considered to be no sound planning reasons to reject the current proposals on the grounds of design and scale of the building.

As such, it is considered that the proposal would comply with Policies D DM1 and D SP1 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The site is generally a well screened site with neighbouring properties some distance from the proposed dwelling. There are no windows at a first floor level on the eastern elevation, only at ground floor level. Subject to the imposition of appropriate conditions to safeguard the amenities of neighbouring residents it is considered that any overlooking would not be such as to warrant refusal.

PARKING AND HIGHWAY SAFETY:

The Highways Officer has not been consulted as part of this application, however as the proposal seeks to make amendments to the replacement dwelling previously granted and actually removes a bedroom bringing the number down from 6 to 5. The previously proposed replacement dwelling was approved where the Officer considered, with regard to highway safety and parking, that:

"The relocation of the proposal slightly further north within the plot also gives additional room for turning and parking within the site. This is considered important given the narrow access point across from a junction and the limited visibility when leaving in a forward facing direction. Whilst, there is an increase in the number of bedrooms and so a potentially higher level of occupancy, the concerns over the substandard access are not so significant as to warrant the refusal of the application on this ground in the absence of any other objection."

A construction Management Plan has been submitted as part of the application and included within the approved plans condition no.2 of this application.

It is considered that the proposal would not have a detrimental impact on parking provision or highway safety.

As such, it is considered that the proposal would comply with policy D DM1 and D SP1 of the Arun Local Plan 2011-2031.

TREES:

The Tree Officer has accepted the Arboricultural Implications Study and Tree Protection Strategy submitted which protects trees on and adjacent to the site during the construction period.

DRAINAGE:

The Drainage and Coastal Engineer and the application agents agreed upon surface water drainage details during the processing of the application details of which have been included within the approved plans condition no.2 of this application. No further conditions relating to surface water drainage are considered necessary as a result.

The flood level of the property (0.59 AOD) is included within the approved drainage plan. On the previous permission (WA/49/18/PL) a specific condition (no.6) relating to approved floor levels was applied. The floor levels condition is not considered necessary and applying it would be contrary to guidance governing conditions on planning permissions.

As such, it is considered that the proposal would comply with Policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan 2011-2031.

SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

It should be noted that the previously granted application for a replacement dwelling did not consider the internal space standards. While this application proposes a replacement dwelling the design is very similar to that previously granted. Officers consider this application to simply be making amendments to the scheme previously granted. It is noted that the rooms, particularly the bedrooms, are not getting smaller but would in fact be getting larger.

However, Policy D DM2 of the Arun Local Plan notes the Nationally Described Space standards to be guidance only. Therefore, it is considered that the proposed dwelling would broadly comply with the National Internal Space Standards and Policy D DM2 of the Arun Local Plan.

WALBERTON NEIGHBOURHOOD PLAN:

It is considered that the replacement dwelling would adhere to all relevant Neighbourhood Development Plan Policies, in this case:

HP1, HP11, HP13, VE3, VE7

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Ground Floor Plan - Dwg.no. P20 - dated March 2019.
First Floor Plan/Block Plan - Dwg.no. P21 - dated March 2019.
Roof Plan - Dwg.no P22 - dated March 2019.
South/West Elevations - Dwg.no P23 - dated March 2019.
North/East Elevations - Dwg.no P24 - dated March 2019.
Arboricultural Implication Study and Tree Protection Strategy dated October 2019
Drainage details Dwg.no. B16F dated 05/11/2019
Construction Management Plan dated November 2019.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan 2018.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the eastern elevation of the building without the prior written permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties to the east in accordance

with policies D DM1 of the Arun Local Plan 2018.

- 4 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the approved Tree Protection Plan (AIA, Appendix 2).

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

The reason the pre-commencement condition is necessary is in order to protect trees on and adjacent to the site.

- 5 All activity at the site is to be carried out in strict accordance with: - Arboricultural Implication Study and Tree Protection Strategy report and associated appendices, ref. MPH/0865/a/RHB.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a specific Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 6 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 7 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The Council's Building Control officers or technical staff should be asked to comment on the

adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

- 8 INFORMATIVE: To accord with current industry guidelines and sound arboricultural practice in general all permitted tree pruning operations associated with the development must comply with the requirements of British Standard 3998:2010 Tree Work.
- Recommendations.
 - Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
 - Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: