

Planning Application

**Two dwellings at
Deans Yard
Fontwell**

on behalf of

MJH Properties Limited

Henry Adams Planning

HAPL 1030 / May 2015

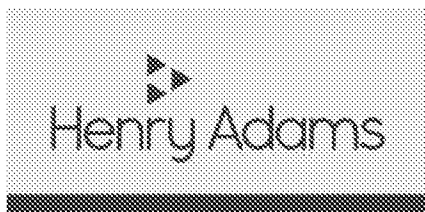
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CONTENTS

1. Introduction and History
2. Site Location and Description
3. Planning Policy
4. The Application
5. Evaluation of the Revised Proposals
6. Summary



1. **Introduction and History**

- 1.1 This application seeks permission to redevelop a former garage court off Orchard Way with two detached chalet bungalows.
- 1.2 Three previous applications have been made to redevelop the site. The first was for four dwellings (two pairs of semi-detached houses) and the latter two for three dwellings in a single terrace.
- 1.3 The first of those (WA/52/13) was refused and pursued through an appeal. The second was submitted and refused whilst the appeal was pending.
- 1.4 In the appeal proposals, the Inspector identified three issues:
 - (i) effect on the character and appearance of the surrounding area;
 - (ii) whether acceptable living conditions would be provided for future occupants and,
 - (iii) effect of the development on occupants of 2 Deans Close.

These reflected the Council's principal reasons for refusal.

- 1.5 The most recent application WA/48/14 was refused for similar reasons, plus a further reason relating to the loss of commercial units and the failure to protect employment land in conflict with an emerging policy (EMP SP1) of the submitted Arun Local Plan.
- 1.6 As the development only involves two dwellings, any approval would not attract any financial contribution in the light of the changes to the National Planning Policy Guidance made last November. No Unilateral Undertaking is required in connection with this application.

2. **Site Location and Description**

- 2.1 Deans Yard is located off Orchard Way and is a backland site of approximately 0.08ha. It is served by an access drive from Orchard Way and is surrounded by residential properties. Although outside any 'settlement boundary' the planning authority considers that the principle of redevelopment is acceptable and there is an extant permission for a single dwelling.



- 2.2 The yard contains a 'terrace' of small lock-up garages and was formerly a builders' yard. The buildings are utilitarian in appearance and the southernmost one has a blank wall running along the boundary with the garden of 2 Deans Close.
- 2.3 The access drive passes between the gardens of existing dwellings in Orchard Way. Given the location of and access arrangements to the site, it can be said to be a non-conforming or unneighbourly use with potential to cause harm to neighbouring properties by virtue of noise and related nuisance associated with builders' yards and similar commercial activities. The issue of the loss of an employment site is considered later in this statement.

3. **Planning Policy**

- 3.1 The adopted Arun Local Plan dates from 2003 and the reasons for refusal of previous applications have referred to Policy GEN7 – sub sectional (ii) and (iv), as these are considered to be consistent with the National Planning Policy Framework (NPPF).
- 3.2 The 'Emerging Local Plan' is referred to in the refusal reasons and this is the Publication Version of the Arun Local Plan 2014, which is subject to examination commencing on 2 June.
- 3.3 There is no 'Made' Neighbourhood Plan and Walberton Parish Council raised no objection to previous applications.
- 3.4 The planning authority has referred to policies of the 'emerging' plan in reasons for refusal, these being in relation to general character and appearance of the development (D.DM1 and D.SP1), space standards (D.DM2 and D.DM3) and loss of an employment site EMP.SP1 criteria (e) and (k).

4. **The Application**

- 4.1 In the light of previous refusals for four and three dwellings respectively, this application now seeks permission for just two dwellings – two detached chalet bungalows.
- 4.2 The two 2-bedroomed dwellings each have integral garaging with a parking space in front and adequate turning. The overall ridge height of each would be 7.0m compared with 8.8m for the terraced houses previously proposed. Furthermore, the half hipped roof design ensures that the height of the gable walls is just 4.5m.



- 4.3 The rear gardens have average depths of 7.8m and 8.4m and each is over 100 sqm in area. They are therefore substantially larger than in the previous applications.

5. **Evaluation of the Revised Proposals**

- 5.1 This application has taken into account the previous reasons for refusal and the Inspector's conclusions in the appealed scheme. In addition, the following comments address the 'new' matter introduced in the reasons for the refusal of application WA/48/14 relating to loss of an employment site.

- 5.2 The relevant issues addressed below are:

- (a) impact on the character and appearance of the area in general;
- (b) provision of adequate living conditions – room sizes and garden space;
- (c) impact on 2 Deans Close;
- (d) loss of an employment site having regard to the location of the site and former use.

5.3 **(a) Character and Appearance of the Area**

As the Inspector noted in paragraph 4 of his decision, the site is within an established area of suburban style housing of varying ages and types. Despite being a higher density and the terrace not being typical of the area, he concluded that the development of three dwellings would not be harmful to, and would in fact protect the character and appearance of the area such that there would be no conflict with the quoted policies – either adopted or emerging.

- 5.4 It is clear therefore that a development of fewer dwellings with increased garden sizes and of a style more similar to those in the area, would also comply with the Inspector's findings, and not be open to objection. The reason (1) previously imposed therefore falls away.

5.5 (b) Living Conditions including Garden Sizes

The planning authority is currently implementing its policies D.DM2 and D.DM3 of the emerging plan relating to room sizes and garden sizes. The failure to meet these standards was considered by the Inspector in the recent appeal in paragraphs 7-11 of his decision.

5.6 Since that decision was issued, the Government has published national standards which will have to be applied from 1st October next.

5.7 The revised proposals meet the new national standards in respect of:

- (i) overall area (more than 79 sqm)
- (ii) area of the two double bedrooms (more than 11.5 sqm)
- (iii) width of one of the bedrooms (more than 2.75m)
- (iv) storage space (more than 2.0 sqm)

5.8 Notwithstanding compliance with these standards, the proposals are acceptable with regard to the requirements of the authority's emerging (but not yet adopted) policies in light of the Inspector's conclusions at paragraphs 8 and 9.

5.9 With regard to garden space, the authority's emerging standard for a two bedroom detached house is 85 sqm. This is exceeded by nearly 20% with gardens of 100 sqm plus. Again, the Inspector found no objection to the overall size of two of the gardens in the appeal scheme which had more than the required area, but less than the 10 metre minimum depth. As such a similar conclusion can be drawn with regard to the new scheme.

5.10 (c) Impact on 2 Deans Close

The significant improvement with the revised scheme is the reduction in height of the gable wall as described in paragraph 4.2. Reducing the dwelling adjacent to the garden of 2 Deans Close to a chalet-style means that the eaves height is reduced to 2.2m or just slightly higher than the boundary wall. The gable wall above that height is triangular and would have considerably less impact than the full height of the terraced house.

- 5.11 The existing wall of the southernmost garage building will still be removed and this is currently higher than the boundary wall. Coupled with the lower wall of the new dwelling, the relationship will be improved. The occupant of 2 Deans Close has not objected to previous schemes and is unlikely to do so to this new one.

5.12 (d) Loss of an Employment Site

This reason for refusal was included for the first time on the most recent application WA/48/14 and was not an issue for the Inspector in the appeal. Although, some of the emerging policies were quoted to the Inspector in respect of space standards and general layout and amenity issues, the authority chose not to refer to EMP.SP1.

- 5.13 As explained above, the site was a builders' yard containing the range of buildings that currently exist. The former owner of the site has confirmed that the builders' yard operated for some 44 years and that use included operating HGVs from the site as a registered Operating Centre.
- 5.14 The lawful (and 'sui generis') use of the site is as a builders' yard and it does not have a permission for commercial use of the former garage buildings as workshops, offices or storage units.
- 5.15 In view of the location of the site between existing residential properties, resumption of its lawful use or any more intensive commercial use of the buildings would be undesirable for those neighbouring residents.
- 5.16 In refusing application WA/48/14, the authority referred to Policy EMP.SP1. However, Policy EMP.DM1 relates to protection of employment sites and indicates that a change of use or redevelopment of a site that poses environmental harm or loss of amenity may be permitted. Whilst the current use of the site is very low key, if a redevelopment for housing is not accepted, a more intensive use as a builders' or some similar contractors' yard could resume to the detriment of local residents. This is a possibility not lost on some neighbours who have not objected to previous schemes.

6. **Summary**

- 6.1 For the reasons set out in this statement, it is concluded that the revised proposals now address all the previous concerns and objections of the planning authority as considered by the Inspector dealing with the 2013 appeal.



- 6.2 On this basis, planning permission should be granted for the two dwellings now proposed.