

Recommendation Report for Planning Permission

REF NO: WA/39/18/PL

LOCATION: 48 The Meadows
Walberton
BN18 0PB

PROPOSAL: Extension of existing dwelling to create 1 No. attached dwelling.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The proposed form of development is to erect a new dwelling on land which currently forms part of the side garden of No.48, The Meadows. The proposed new dwelling would be physically attached to the existing property, thereby extending the terrace, of which it is part.
TOPOGRAPHY	Predominantly flat.
TREES	There are no trees within the application site which would be adversely effected by the proposal.
BOUNDARY TREATMENT	The existing garden is enclosed by standard 2m high (approx.) wooden fencing.
SITE CHARACTERISTICS	The area of land intended for the proposed dwelling is currently an underused side garden to the existing house. The area in front of the side garden is already surfaced and used as a parking area.
CHARACTER OF LOCALITY	The property forms part of a modern but mature housing estate, with pleasant houses typical of the period. Overall, the estate is well treed.

RELEVANT SITE HISTORY

No relevant history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Reported below.

1 representation of objection received. Main points raised are as follows.

No. 48 has 3 off-road parking spaces, but in reality it is 2 parking spaces, as cars parked in the nearest of the 6 on road spaces prevent a third car parking in the

space.

In the evenings and at weekends there is currently a lack of parking for the existing houses, so building a further dwelling will only make the current situation even worse.

The proposed dwelling is only situated 4.6m back from the boundary/footpath. This clearly demonstrates that there is not enough space for 2 parking spaces in front of the proposed dwelling, especially as there is a bay window and porch proposed which also encroach into this space.

If this application is approved as currently shown, the occupiers of the new dwelling will not be parking their 2 cars off road, but on the road.

If the proposed dwelling is moved back, so 2 off road parking spaces can be achieved, the 6 on road parking spaces would then be reduced to 4, so the new dwelling can access both spaces freely. Couple this with the loss of parking for No.48 (proposed 1 parking space) and we now have 4 on road parking spaces for 9 houses to share. A new dwelling would also generate more visitors requiring parking too.

All houses in The Meadows currently have a soft landscaped front garden. The new dwelling proposes a completely hard landscaped (albeit very short) hard standing for parking which is out of character with the rest of the terrace and the other houses.

The proposed dwelling will also need to increase considerably in size as it currently does not meet the minimum space requirements set out in the Nationally Described Space Standard for a 3 bedroom/4 person dwelling, as required by the Arun Local Plan.

No objection to an extension or annexe, but a new dwelling will have a detrimental impact on existing and future residents of The Meadows. A number of other houses in the Meadows have large gardens to the side and permitting this overdevelopment would set a precedent for further new dwellings within The Meadows.

COMMENTS ON REPRESENTATIONS RECEIVED:

The substance of the points raised are addressed in the conclusions section below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water:

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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 has now been published and 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 planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

Walberton Parish Council:

The parish council has no objection to this application, but wishes to register its concern regarding overdevelopment and lack of parking.

Engineers:

Please apply standard condition ENGD2B.

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at

the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

COMMENTS ON CONSULTATION RESPONSES:

The substance of the points raised are addressed in the conclusions section below.

POLICY CONTEXT

The site is located within the Built Up Area Boundary (BUAB) as shown in both the Local Plan and the Neighbourhood Plan.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Walberton Neighbourhood Plan Policy 2017 GA3](#) Car Parking

Walberton Neighbourhood Plan Policy 2017 HP1 Spatial Plan of the Parish

Walberton Neighbourhood Plan Policy 2017 HP13 Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2018, West Sussex County Council's Waste and Minerals Plans and the Walberton Neighbourhood Development Plan.

The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The key issues to consider in the determination of this application are as follows.

- 1 - Principle of the development
- 2 - The design of the proposed building
- 3 - Space standards
- 4 - Impact upon residential amenity
- 5 - Parking

Each of these is addressed in turn below.

Principle of the development

The application site is located within the BUAB of Walberton as identified by the Neighbourhood Plan and the Arun Local Plan. There are no constraints relating to this site and therefore the principle of the development is acceptable subject to the consideration of the other issues outlined below.

The Design of the Building

The design of the building follows the style of No.48 (and the rest of the terrace) to which it would be attached. These buildings are circa 1970s and have a pleasant, simple appearance, laid out in what is now a 'mature' estate, with well established landscaping. The proposed materials are complementary to No.48. There are no policy objections to the proposal on design grounds.

Space Standards

According to the supporting information provided by the applicants agent the gross floor area of the proposed property is 86 sq m. This is just over the nationally prescribed space standards for a 3 bed-4 person dwelling. Therefore there is no policy conflict with the policy for internal space standards.

In terms of external space standards, specific guidance is proposed in the form of a Design Guide to be published. In the meantime, each case has to be considered on its own merits. The proposed site is currently the side garden of No.48. It is considered that the amount of space and the depth of garden available for both the new dwelling and the existing dwelling would be acceptable and compatible with the character of the locality. However, in the circumstances it would be appropriate to remove PD rights to add extensions which would otherwise reduce the available amenity space further.

Impact upon residential amenity

The proposed dwelling is no closer to those dwellings at the rear than the existing property. The dwelling to the south east is broadly at a right angle to the proposal. There are no windows in the eastern elevation of the proposal which would cause an amenity issue. Furthermore, the layout would not give rise to any loss of light, overshadowing or general amenity.

Parking

This issue is perhaps the most important issue as the representation from the local resident and the comment from the Parish Council suggests.

The current situation is that No.48 benefits from having a garage with a parking space to the front. There is also a concrete hardstanding in front of what is currently the side garden. This is nominally equivalent to two car parking spaces. However, the depth is shorter than what would normally be expected. Also the close proximity of the parking bay at the head of the cul-de-sac which serve other properties in this locality, means that pragmatically, parking is only really possible on a diagonal if issues of blocking are not to occur. However, during an un-announced follow up site inspection it was observed that 2 vehicles were parked in this area, whilst there was also one fairly close in the parking space nearest at the head of the cul-de-sac. This follow up inspect was at 7.45am to note parking at a reasonably busy time. it was noted that there spaces available.

The proposal is for the existing garage and forecourt space in front of it to be retained by No.48, whilst the hardstanding goes with the new dwelling. In light of the above, the concerns regarding the practicality of how many spaces are available are considered to have some merit in that the arrangements are not ideal.

However, in determining this application the Council needs to consider whether there is sufficient grounds to warrant the rejection of this proposal on the basis of the proposed parking arrangements and the lack of restrictions on on-street parking.. Whilst the proposed arrangements are not ideal, they are also not likely to give to substantive harm and no policy objection has been identified. In the absence of any other objections to this proposal it is considered that the scheme should be approved.

HUMAN RIGHTS ACT

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 impacts 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) have been considered.

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 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with the policy D DM1 Arun District Local Plan 2018

- 3 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactory drained in accordance with policies W DM3 and W DM2 of the Arun District Council Local Plan 2018. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 4 **INFORMATIVE:**
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- 5 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.