

Recommendation Report for Outline Consent

REF NO: Y/23/21/OUT

LOCATION: Kings Close
Yapton
BN18 0EX

PROPOSAL: Outline planning application with all matters reserved for 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This outline application seeks permission for an erection of a Chalet style bungalow with all matters reserved. The applicant has been notified about the Council's request of further details in relation of reserved matters, outline application Y/23/21/OUT, under article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, considering that this outline application ought to include: - Type of the proposed dwelling; - Its footprint; and - Its location within a proposal site. The required documents were provided on 7th April 2021. A detached dwelling would fill almost entire width of the plot with its width of 13.5 m, leaving 1.2m from the shared boundary with April Cottage to the north and Kingswood to the south. 3 parking spaces are proposed, 2 within parking bays and one in an integral garage. This indicates min 4 bedroom dwelling.
SITE AREA	0.05 ha
RESIDENTIAL DEVELOPMENT DENSITY	20 dwellings/hectare
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by approximately 1.8m high timber panels with a wooden gate to Kings Close.
SITE CHARACTERISTICS	Derelict rear garden with a wooden shed and gated access to Kings Close which serves cul-de-sac of properties; bushes and mature trees cleared.
CHARACTER OF LOCALITY	Residential cul de sac of T-shape in the village centre with a small shopping area along Main Road to the north-west and a Playpark on the opposite site of the road. Residential dwellings in the area vary in terms of design and scale.

The north-western side of cul de sac behind shopping area has been re-developed comprising two storey semidetached and terrace of three dwellings with a habitable roof space covered with bulky half hipped roofs and extensively hard-surfaced surrounding.

The south-east and south part of cul-de-sac comprise a mix of substantial buildings with gardens of an adequate size with and exception of Kingswood and Kingsclare with gardens considerably reduced due to creation of the proposal site. The surrounding area is enclosed to the south-east with 2 storey terrace houses of identical appearance (Victoria Villas) along Bilsham Road with rear outriggers and rather long narrow gardens facing to the proposal site maintaining the green feel of the area.

RELEVANT SITE HISTORY

Y/97/20/PL	2 No 3-Bedroom semi-detached, two storey dwellings, car parking, associated landscaping & access to Main Road. This application is in CIL Zone 2 & is CIL Liable.	Refused 26-11-20
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The reasons for refusal of a previous application:

The site, by virtue of its character and close proximity to neighbouring dwellings, is considered unsuitable to accommodate the proposed development without causing demonstrable harm to the residential amenities of adjoining properties through overbearing and overshadowing contrary to policies D DM1 and QE SP1 of the Arun Local Plan.

Insufficient information has been provided to enable the Local Planning Authority to consider the impact on protected species and whether the proposal results in a net gain in biodiversity. The proposal fails to accord with Arun Local Plan policy ENV DM5, with policy E3 of the Yapton Neighbouring Plan and with the National Planning Policy Framework.

REPRESENTATIONS

Yapton Parish Council: YPC note and welcome that the applicant has reduced the number of dwellings on the site to 1. However, YPC are unable to comment on the actual unit due to a lack of information in terms of plans and elevations for the proposed residential unit. YPC therefore request that this application be WITHDRAWN until more detail is provided regarding the size, mass and proximity of the proposed unit in relation to neighbouring properties.

2 letters of objection:

- A chalet bungalow is not a bungalow. It will still overlook my property as previously advised.
- No consideration is allowed for the colony of hedgehogs that live in this vicinity.
- There are already thousands of houses to be built in Yapton.
- The close is unsafe for pedestrians - there is no pavement.
- Access to and out of the close by residents vehicles is dangerous and unsafe now.

- The way in which this plot was obtained is known as 'garden grabbing' and an over-development of land.
- This plot has been a natural habitat for hedgehogs and other wildlife.
- It is suggested that the plot be offered for sale to the owners of Kingsclare and Kingswood (previously part of their gardens).
- Outline application does not give any confidence as what could be built there.
- It is sad sight as Yapton will loose its identity with the centre of the village surrounded by new built matchbox houses.
- This land is right in the centre of Yapton Village and should not be over built.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council are noted. As mentioned above, the applicant was asked to provide further information (and they quite recently): type of the proposed dwelling, its footprint and its location within a proposal site.

The following comments are made in respect of the local resident objections:
Impact on highways has been assessed by the WSCC. Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: considered the proposed application and Environmental Health has no objection in principle to the proposed subject to suggested conditions.

WSCC, the LHA: Does not consider that this outline application with all matters reserved for an additional dwelling would result in 'severe' impact on the operation of the Highway Network, therefore is no contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary;
Lidsey Treatment Catchment Area.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity

HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Yapton Parish Council is currently undertaking a review of its Neighbourhood Plan and the Plan is now being advertised under Reg 14 of The Neighbourhood Planning (General) Regulations 2012.

The relevant policies of the Yapton Neighbourhood Development Plan have been taken into account in determining this application: E3 Protection of Natural Habitat, E4 Minimising Environmental Impact of Development, PK1 Parking Standards for New Residential Development and BB1 Built-up Area Boundary.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLEASE ENSURE THAT THIS TEXT IS RELEVANT TO THE DEVELOPMENT BEING PROPOSED.

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 not considered to comply with relevant development plan policies in that it would affect

adversely the residential amenities of nearby properties contrary to Policies D SP1 and D DM1 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and wildlife.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being within the built up area boundary, such development should comply with the policies in the development plan. The key policies considered are D SP1, D DM1, D DM2, T SP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy BB1 of the Yapton Neighbouring Plan stresses that development proposals will be supported within the built-up area boundary subject to compliance with other policies in the development plan. Proposals must respond to the specific character of the site and its local surroundings.

Policy D SP1 of the Arun Local Plan requires all development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, Policy ECC SP2 expects all new development to be energy efficient.

National Planning Policy Framework in paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11(d) of the National Planning Policy Framework is engaged and the most important policies for determining the proposal are considered to be out of date. The proposal would deliver one dwelling in a sustainable location, nevertheless, one dwelling would make only a minimal contribution to the shortfall in housing supply. The associated social and economic benefits

would be very limited.

The proposal results in significant harm to the residential amenities of immediately adjoining properties. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this would be in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) stresses that new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all new development will incorporate existing and new tree planting as an integral part of dev proposal.

Paragraph 127 of NPPF emphasize that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- 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 do not undermine the quality of life or community cohesion and resilience.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

The Ministry of Housing, Communities and Local Government: National Design Guide comprises a material planning consideration for the purposes of decision taking. Criterion C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criterion I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criterion B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The site is in a residential cul-de-sac characterised by a recently finished residential development of 2 storey semis and terrace of 3 dwellings with very small gardens to the north-west and detached bungalows to the south-west, detached 2 storey dwellings to the north-east and 2 storey terrace houses of an identical appearance, Victoria Villas, to the south-east. There is a general open plan feel to the surrounding area (south-east part of cul-de-sac only).

In order to facilitate the proposal site, the rear gardens of bungalows Kingswood and Kingsclare to the south have been significantly reduced and proposed dwelling would be in their former rear gardens as such it is considered as a backland development. The plot is approximately 16x30m and all mature trees and bushes were cut down on the site some time before the first application has been submitted.

Arun Design Guide, Page 128, requires that 'backland developments should be subservient to existing

properties, and their layout should seek to maximise the outlook of neighbours and proposal should avoid over-development.'

Submitted layout shows a large footprint, considerably larger than any existing dwelling in the surrounded area, within a distance of 1.2m only from both side shared boundaries of the proposed dwelling (the rear boundaries of April Cottage to the north and Kingswood to the south with their shallow rear gardens). The proposed dwelling would have an active frontage to Kings Close whilst none of neighbouring dwellings have an active frontage to Kings Close since the proposal site was originally the part of their rear gardens (bungalows of Kingswood and Kingsclare). The illustrative 'street' scene shows in reality the front of the proposed dwelling and the side elevations of existing neighbouring dwellings. Given the shallow rear gardens of both neighbouring dwellings and the proximity of proposed dwelling, abutting their rear boundaries, northern side elevation of proposed dwelling would be within a distance of 4.4m from the rear elevation of April Cottage and approximately 5m from the rear of Kingswood whilst Arun Design Guide suggests min 14m side - back separation distance between two dwellings.

The proposed development would detract from the local area's character and fail to be subservient to existing properties. Since the provided drawings of the proposed dwelling are illustrative only this proposal can't be judged in terms of character and design, however the proposed dwelling in terms of its proximity to the neighbouring dwelling would conflict with those aspects of policies D SP1 and D DM1 of the Arun Local Plan 2011-2031, NPPF paragraphs 122, 127 and Arun Design Guide (SPD).

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Arun Design Guide, Part P, page 128, with regards to backland development stresses that Proposals should avoid over-development and should be of a subservient scale to surrounding buildings with frontages to the street.

The new dwelling, due to its position and proximity would have an adverse impact on living conditions of Kingswood and April Cottage resulting in an overbearing feel of a substantial building in close proximity to their rear gardens. In particular April Cottage to the north with a southern elevation of its rear extension within 4.4m from the proposed dwelling would be overshadowed by the proposed property especially during winter time when the sun is low on the horizon. As mentioned above, the layout of the backland development should seek to maximise the outlook of neighbours and the properties should be subservient to existing properties what the proposed development would fail to comply with.

It is considered that development as proposed would have an impact to users and occupiers of nearby properties resulting in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing and by limiting their outlook. Therefore it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and para 127 of the NPPF.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T

DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Policy PK1 of the Yapton Neighbouring Plan requires a new residential development of a 4 bed dwelling provides 3 off road parking spaces.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. 3 parking spaces are shown on the site layout which satisfies the requirement of the SPD for two 4 bed dwellings in Parking Behaviour Zone 2 (2 parking spaces per dwelling).

It is not considered that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the NPPF (paragraph 109), and that there are no transport grounds to resist the proposal subject to condition. As such development would comply with policy T SP1 of the Arun Local Plan and policy PK1 of the the Yapton Neighbouring Plan.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "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 necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

It is not considered possible to assess the internal space standards at the current time. This is because the application is not accompanied by any floor plans.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users.

In respect of external standards, the plot is big enough to provide sufficient rear garden space which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Policy E3 of the Yapton Neighbourhood Development Plan emphasizes that development proposals that would result in either the loss of or unacceptable harm to an existing area of natural habitat will not be permitted unless the mitigation is proposed and policy E4 advocates for the retention of well established features of the landscape, including mature trees and hedgerows.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

Government guidance states planning permission can only be granted if an appropriate survey has been carried out by a qualified ecologist at the time of year specified in Natural England's standing advice. Planning permission can be refused if there is not enough information to assess the effect on a protected species. In addition, ALP policy ENV DM5 is clear that where there is evidence of a protected species on a development site, planning applications shall include a detailed survey of the subject species, with details of mitigation to avoid loss of the species.

The site is a part of residential garden with no areas of hardstanding. It was noted that trees were cut down and the garden could act as refugia for wildlife as observed by the occupiers of surrounded dwellings.

No ecological survey has been submitted to show a potential impact of the development on protected species (e.g. hedgehogs and others) with details of measures to be incorporated into the development scheme to avoid loss of the species. However, this is an outline application with all matters reserved and should an application be forthcoming then the above would be required.

CONCLUSION

The proposal would result in significant harm to the character of the area and to residential amenities of nearby properties therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. The development is considered to conflict with the development plan, particularly policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and relevant paragraphs of NPPF and consequently is 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The site, by virtue of its character and close proximity to neighbouring dwellings, is considered unsuitable to accommodate a substantial chalet style dwelling without damaging the character of this established residential area and the residential amenities of adjoining properties contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and relevant paragraphs of the National Planning Policy Framework.
- 2 Having regard to the proximity and relationship of the dwelling to neighbouring residential properties the proposal would create unacceptable living conditions for the occupants of adjoining properties through overbearing, limiting their outlook and overshadowing, April Cottage, Main Road and Kingswood, Kings Close, in conflict with policies D DM1, and QE SP1 of the Arun Local Plan, Arun Design Guide and relevant paragraphs of the National Planning Policy Framework.
- 3 **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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.