# REPORT UPDATE

Application No: Y/74/09/

## Reason for the Update / Changes

Reason for Update/Changes:

A letter of representation raising no objection has been received commenting on the following main points:-

-aware of the proposals to develop site at the outset when brought Victoria House from developers
-the revision of the south west boundary of the plot due to the 2m strip of land not being in the ownership of the applicant but Hillreed Homes
-as far as aware,the positioning of everything has remained the same
-request retention of existing ornamental trees at south west corner of boundary fence which provide cover and attractive view from the back of house
-Victoria House and our garage are on a downward incline from the development plot. Expect any new rainwater drainage including soakaways and run-offs to be of sufficienr design not to give us assocaited problems at times of heavy rainful. Potential problem in our cellar with the water table rising very fast
-Victoria House has its own private wastewater drainage system running down to the road which could damaged through heavy, load-bearing building vehicles associated with construction
-the increase in cars from recent developments requiring to park and access in the immediate vicinity is considerable
-suggest double yellow lines along the frontage

Officers Comment:

The comments are noted. The principle of development has been accepted through an earlier recent planning permission on this site. There has not been any significant change in policy or circumstance to review of the principle or additional planning conditions to cover matters rised above.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.**

**Y/74/09/**

## PLANNING APPLICATION REPORT

**REF NO:** **Y/74/09/**

**LOCATION:** Land to rear of Victoria House
Main Road
Yapton

**PROPOSAL:** Amendment to alignment and postion of south-west boundary to planning permission Y/73/07

### SITE AND SURROUNDINGS

| | |
|---|---|
| DESCRIPTION OF APPLICATION | The application is a full application for 2 two storey dwelling with detached double garages. It is a variation of previous planning permission Y/73/07 for 2 two storey dwellings.<br><br>The only difference is that the site boundary on the south west boundary has been resited by 2 metres. This leaves the rear gardens of the proposed two dwellings equivalently reduced in size. |
| SITE AREA | 0.15 hectares |
| RESIDENTIAL DEVELOPMENT DEN | 14 dwellings per hectare |
| TOPOGRAPHY | Land rises to plots behind Victoria House where it flattens out and is predominantly flat. |
| TREES | None of any significant public amenity. |
| BOUNDARY TREATMENT | Leylandii hedging and vegetation on eastern boundary 1.8 m timber fencing on southern and western boundary. |
| SITE CHARACTERISTICS | Rear garden of Victoria House comprising garaging and former hairdressing shop. Garden comprises ornamental and fruit trees and lawn. |
| CHARACTER OF LOCALITY | Victoria House is a substantial brick built dwelling, Victorian in origin. To the south is a development of recently constructed two-storey dwellings at The PInes. To the east of the site is a modern dwelling and further beyond this Tillington Cottages, traditionally designed two-storey dwellings. |

### RELEVANT SITE HISTORY

| | | |
|---|---|---|
| Y/67/06/ | Outline application for 3 no. cottages and garages plus demolition of existing taxi business and widening of access drive | Withdrawn<br>06-12-2006 |

| | | |
|---|---|---|
| Y/27/07/ | Demolition of existing outbuilding (used for taxi business) and erection of single garage for domestic use | Approve Cond 04-06-2007 |
| Y/73/07/ | 2 No Cottages and garages. (Re-submission following Y/67/06/) | Approve Cond 29-11-2007 |
| Y/65/71 | Outline - two detached dwelling houses with garages | Refused 09-02-1972 |

The principle of two dwellings have been accepted through a previous planning permission on the site.

## REPRESENTATIONS

**Representations received:**

Yapton Parish Council

One letter of objection has been raised commenting on:-

-The proposed development adversely affects the privacy of adjacent properties in The Pines.

-The boundaries shown on the plan do not reflect the boundaries on the ground. The existing boundary fence running NW/SE between Victoria House and the proposed development is located approximately 3 m closer to Victoria House tyhan indicated on the proposed site plan. If some or all of the proposed development is positioned relative to this boundary, as indicated on the ground, then the actual position of the development relative to this existing properties in The Pines would not be in accordance with the site plan and would also further adversely affect privacy.

**Comments on Representations received:**

The site situation on the ground shows a boundary in different position and the previous planning permission site showed a boundary aligned with this position. However this was found to be incorrect as the applicant did not control land upto this point and this is the reason for the application with a slightly reduced site area.

## CONSULTATIONS

WSCC Local Development Divis.

Environmental Health

Conservation Area Advisory Com

**Consultations responses received:**

County Highways noted that the proposal was originally granted planning permission in August 2007. I am not aware of any adverse comments that may have been made by the Highway Authority, or any other highway related concerns with this site and the current use. Therefore I would not forsee there being any significant highway issues to the proposed amendment to the South West boundary.

**Comments on Consultation responses:**

Comments noted

## POLICY CONTEXT

Class A road
within Built-up boundary
Within Conservation Area

**DEVELOPMENT PLAN POLICIES**

| | | |
|---|---|---|
| South East Plan: | SEPH5 | Housing Design and Density |
| Arun District Local Plan: | GEN2 | Built-up Area Boundary |
| | GEN7 | The Form of New Development |
| | AREA2 | Conservation Areas |
| | DEV30 | Local and Village Centres |

**PLANNING POLICY GUIDANCE**

| | |
|---|---|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG15 | Planning and the Historic Environment |

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

**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

Principle

The principle of development had been granted through planning permission Y/73/07/.The main difference is that the site boundary on the south west boundary has been resited by 2 metres. This leaves the rear gardens of the proposed two dwellings equivalently reduced.
Planning Policies and Government Advice PPS3 Housing place an emphasis on the effective use of brownfields sites such as this but advises that new development should be well integrated with and complement the local area.

Character and Appearance

The south west boundary of the application site has been reduced. This results in reduced plot sizes. However this difference is considered relatively minor and is felt not to adversely affect the character and appearance of the area which is a Conservation Area. It is still considered that the development will integrate and complement the local area.

Residential Amenities

The plot sizes of the dwellings are smaller but it is still considered that each dwelling has sufficient amenity space/garden are to serve the occupants of the dwellings. The width of amenity areas/garden areas is still significant and makes up for the reduction in depth of these areas.

The distances between the dwellings and neighbouring gardens and dwellings is the same as the previous planning permission as the siting of the proposed dwellings has not changed.

Summary

The principle of development has been accepted previously through an earlier permission. The difference in the siting of the south west boundary is not considered to adverseley affect the character and appearance of the area or residential amenity. In other respects the proposal is identical and the conditions attached to the previous planning permission as replicated below.

## 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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

3 This permission relates to the following approved plans, Proposed Site and Garage Elevation Plan drawing no. 05/51/12 Rev C and Proposed Floor Plans and Elevations, drawing no.05/51/11 received 18 November 2009.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7of the Arun District Local Plan.

4 No development shall take place unless and until details of the design, materials and construction/operation mechanism, where appropriate, of all joinery have been submitted and approved in writing by the Local Planning Authority and the new joinery shall be construicted with approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appwerance of the Conservation Area in accordance with policies GEN7 and AREA2 of the Arun District local Plan.

5 No development shall take place unless and until details of the exposed rafter feet of the roof eaves and chimneys. Such details shall be in the form of plans at a scale 1:50 unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to contol the development in detail in the interests of amenity and the character and appearance of the Conservation Area in accordance with Policies GEN7 and AREA2 of the Arun District Local Plan.

6 The first floor windows on the south west elevation of the dwelling on plot 2 shall at all times be glazed with obscured glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with policies GEN7 of the Arun District Local Plan.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the South West wall of the dwelling on plot 2 without the prioor permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 of the Arun District Local Plan.

8 The access from the site to the public highway shall be designed, laid out and constructed with visibility splays and sight lines as indicated on approved site plan drwg no. 05/51/12 Rev C. In accordance with this approved plan, the whole length of the front boundary wall of Victoria House shall remain at a height of 0.820m above exsting ground level.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

9 The dwellings shall not be occupied until the parking spaces/turning facilities/and garages/shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan

10 INFORMATIVE: The access shall not be carried on/used/building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the West Sussex County Council. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

11 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amendd) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

12 INFORMATIVE: The applicant is advised that, as from 6 April 2008, the submission of a 'Site Waste Management Plan' (SWMP) is mandatory for all construction projects in England with a project cost greater than £300,000 (excluding VAT) under the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005. Further information on the requirements of SWMPs and how they should be applied in practice can be obtained from DEFRA, 6/F7 6D, Ergon House, Horseferry Road, London, SW1P 2AL, Tel. (0207) 2384847 or at their website: www.defra.gov.uk/constructionwaste

13 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material

considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN:H5

LOCAL PLAN: GEN7 AREA2

NATIONAL POLICIES: PPS1PPS3 PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.