

Recommendation Report for Planning Permission

REF NO: Y/60/22/PL

LOCATION: Longacre
Maypole Lane
Yapton
BN18 0DR

PROPOSAL: Erection of 1 No detached dwelling and garage with shared access from Maypole Lane. This application is a Departure from the Development Plan and this site is in CIL Zone 3 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a detached dwelling with a detached garage.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site has extensive hedging to the northern boundary. To the rear there is intermittent vegetation and no boundary treatment in place to the east.
SITE CHARACTERISTICS	The site forms part of a residential garden space to the rear of a one and a half storey dwelling. The site is unused, occupied with a storage container and general waste building materials.
CHARACTER OF LOCALITY	The area is rural in nature with a public house to the north. There is a neighbouring property to the east and 2 holiday cottages to south. There is open farmland to the west, south and east of Maypole Lane.

RELEVANT SITE HISTORY

Y/5/16/PL	Erection of 2No. Holiday cottages including provision for areas of hard & soft landscaping, parking, waste & cycle storage. Departure from the Development Plan.	ApproveConditionally 18-05-16
Y/22/15/HH	Demolition of existing outbuilding & construction of 3 bay garage block with home office above.	ApproveConditionally 23-04-15

REPRESENTATIONS

Yapton Parish Council provided no response.

1 letter of objection received from a nearby occupier.

- Inappropriate for a semi-rural location.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE

The applicant has supplied a surface water strategy. Whilst calculations, site investigations and construction details have been provided, additional information is required to avoid a pre commencement condition. These comments can be found in full on our website. As the design requires modification, a pre commencement condition is requested.

WSCC FIRE AND ACCESS

The nearest fire hydrant is 325m away. The supply of water for a domestic property should be 175m. Apply condition for a fire hydrant to be installed.

SOUTHERN WATER

Requires a formal connection to the public foul sewer.

WSCC HIGHWAYS

The applicant proposes to utilise the existing vehicular access, for use as a shared access. No alterations to the access are proposed. The applicant proposes a three-bay car port. Under Arun Parking Standards, the WSCC would expect a dwelling of this size and location to provide three car parking spaces. WSCC do not consider that this proposal would have an unacceptable impact on highway safety. the proposed car port is suitably sized and on-site turning appears achievable. Apply conditions relating to cycle and EV connection.

ENVIRONMENTAL HEALTH

No objection subject to conditions relating to contaminated land, construction hours, external noise and external lighting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside built up area boundary
Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM4	ENV DM4 Protection of trees

QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution

[Yapton neighbourhood plan 2014 Policy BB1](#)

Built-up Area Boundary

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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 Yapton Neighbourhood Development Plan was made on 5/11/2014 and its policies are referred to in this report.

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 conflict with relevant Development Plan policies in that there would be a materially adverse affect on the character of the area due to the overdevelopment of the site and upon the private amenity space of nearby occupiers by way of overlooking.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP") and the Yapton Neighbourhood Plan.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused within the BUAB. The proposal is outside the BUAB and so conflicts with ALP policies C SP1 and SD SP2.

YNDP policy BB1 states development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. None of the criteria are relevant to this proposal.

The NPPF is an important material consideration in determining applications. Paragraph 11 (d) ii) of the NPPF states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

On the basis of the Councils Authority Monitoring Report (AMR) from January 2022, the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (HLS). Due to the HLS being below 3 years (2.42 years) and its age, the YNDP does not benefit from the support set out in para 14 of the NPPF. The NPPF presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

As the Council cannot demonstrate a 5-year HLS, the 'presumption' for sustainable development is triggered. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

For development proposals to be considered 'sustainable' they have to satisfy the environmental, economic and social tests as per paragraph 8 of the NPPF.

The proposal for a dwelling meets the economic objective and would result in some economic gains in terms of providing employment during the construction phase and potential local spending in the area and at the public house to the north of the site, and these economic benefits weigh in the schemes favour. The proposal meets the social objective, making a modest contribution of 1 new home to the district's housing supply. In terms of being in an environmentally sustainable location and accessible, the appeal site is in walking or cycling distance of local services and facilities, which are available in the nearby settlements. It is approximately a 5-minute walk to the nearest bus stop on North End Road, although there is a lack of pavements and lighting along Maypole Lane which is likely to result in an increased use of motor vehicles to get to and from the site.

On balance, the proposal would represent sustainable development.

Paragraph 11(d) of the NPPF states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Whilst the proposals would be sustainable development, the adverse impacts of the development in terms of its siting represents an overdevelopment of the site and significantly and demonstrably outweighs the benefits of the proposal.

DESIGN AND VISUAL AMENITY

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area.

The proposal seeks a detached chalet bungalow and a detached garage to the rear of an existing dwelling off Maypole Lane.

The property will be to the rear of Longacre and the Paddocks. With the dwelling set behind the development on site it is unlikely to be visible from the street scene.

The plot is narrow, and the dwelling extends along approximately half the site, with the 4-bay detached garage to the north-western end of the site. The dwelling will have a gable end roof with three dormers to the front and rear. The property is comparable in size to the neighbouring property to the east in terms of its scale and footprint. Materials will feature hardwood cladding to the external elevations and a plain clay tile roof which is in keeping with its countryside location.

The garage will have a length of 12m with a depth of 6m. It will have a pitched roof to 5.75m. There is a neighbouring garage/studio opposite, and the structure is similar in appearance.

Section P of the Arun Design Guide relates to backland development and states 'As a general rule, backland developments should be subservient to existing properties, and their layout should seek to maximise the outlook of neighbours.' When assessing proposals for backland developments, the following will be considered:

- Scale - Proposals should avoid over-development and should be of a subservient scale to surrounding buildings with frontages to the street.
- External Space - Developments should maintain usable and appropriate external amenity space for existing and proposed properties. Sizes will be mainly determined as per section H.04. It is advisable that the usable rear, external amenity space is at least the same size as the footprint of the property.
- Boundaries - Site boundaries will often be of poor quality or comprise dead frontages to existing buildings. Developments will have to consider the views provided to future residents and propose design solutions such as upgrading boundaries or screening.
- Outlook - Careful consideration must be given to preservation of existing amenity, through designs which avoid overlooking existing windows and private gardens.
- Access & Parking - Adequate vehicular access must be provided, including sufficient space to accommodate cars to turn within the new development site.
- Comprehensive Developments - Where it is possible to assemble a number of plots to create a larger site, comprehensive developments of groups of houses will be favoured over piecemeal developments.

Whilst the appearance of the dwelling is appropriate for the area, given the siting and size of the plot, the

development is uncharacteristically cramped in appearance and does not integrate successfully in terms of layout with existing residential development and does not accord with the Design Guide forming a backland development. The proposal retains only 3.5m to the eastern boundary and 7m to the west, and as a result of the limited space to site boundaries and the narrow nature of the site, the dwelling would present as an overdevelopment of the site.

The land subject to the proposal was previously identified for development under Y/16/16/PL for the siting of a third holiday cottage. This was subsequently removed from the application for concerns regarding overdevelopment. The plot and shape of the dwelling has altered since that application although this proposal still does not overcome previous concerns.

By reason of its design and plot size, the proposals would represent an overly cramped appearance, and would harm the spatial pattern and the character of the area in conflict with D SP1 and D DM1 (1) of the Arun Local Plan and Arun Design Guide.

RESIDENTIAL AMENITY

The dwelling is to the rear of 'Longacre' and 'The Paddocks'. The proposal will likely appear slightly overbearing from the neighbouring rear elevation as a result of its close proximity to the boundary. However, the neighbouring property has a large rear garden, and the impact will not be significant.

The garage is located towards the northern end of the site, behind an existing garage and studio and would not result in adverse harm upon amenity.

Three dormers are proposed to the front and rear elevation of the dwelling. To the west, the property is surrounded by fields and the development will not result in harm upon this elevation. To the east, the dormers will serve a bathroom and 2 bedrooms and have views towards the rear of Longacre and The Paddocks.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property

The proposal does not comply with the guidance for back to boundary measurements. Towards the eastern elevation between 3.4-4m is retained to the boundary which is significantly short of the 12m requirement from the habitable rooms to the site boundary. Whilst 22m is retained from the proposed to the rear of 'Longacre/The Paddocks', the separation achieved is predominately due to the large garden of the neighbouring property and as such the first floor will result in adverse overlooking of the private amenity space of neighbouring amenity.

A post and wire fence is proposed to the eastern boundary at 1.8m reducing to 1.1m. Due to the type of fence proposed and its open nature, there will likely be some views available at ground floor level also.

There are windows proposed to the first-floor side elevations of the dwelling however these will not result in adverse views being achieved. To the southeast there are two holiday cottages and due to the separation retained, the proposal will not result in adverse harm upon this elevation.

The access road that the property will utilise is in existence already however will extend beyond the existing dwelling and further towards the rear of the site and as such may result in some additional noise. However, the impact would not be significant with the additional vehicular movements from one dwelling likely minor in nature.

The property will result in adverse overlooking upon the private amenity space of Longacre and the Paddocks due to the size of the plot and the minor separation retained to the boundary in conflict with D DM1 (3) of the Arun Local Plan.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.

The property provides an internal floor space of 188sqm. This exceeds the standards required and provides an acceptable level of internal living space.

Section H.04 of the recently adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

There will be some amenity space to the rear of the dwelling. This has a depth of approximately 7.8m, with a post and rail boundary treatment to be constructed. The proposal is slightly short of the requirements as noted within the Design Guide although the provision is acceptable in this case.

HIGHWAYS AND PARKING

Arun Local Plan Policy T SP1 seeks to ensure 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.

Regard should be had to paragraph 111 of the NPPF which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Arun District Council adopted its Parking Standards SPD in January 2020 and require a 4-bed property in this location (Parking Behaviour Zone 1) to provide a minimum of 3 parking spaces on site.

The proposal includes a 4-bay garage with one of the bays utilised for cycle storage. The provision and size requirements comply with the guidance and provides sufficient parking on site for the dwelling. The provision for cycle storage will also support sustainable travel methods.

The property will utilise an existing access off of Maypole Lane which will run alongside the northern boundary and extend along the rear. WSCC provided no objection and confirm that turning appears achievable on site.

The proposal complies with T SP1 of the Plan, ADC parking standards and PK1 of the Yapton Neighbourhood Plan.

BIODIVERSITY

Arun Local Plan 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)."

Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity in the development site and the wider area.

No details have been provided with regards to biodiversity net gain on site. The opportunity to increase biodiversity can be secured via conditions to ensure compliance with ENV DM4.

CLIMATE CHANGE

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The submitted Planning, Design and Access Statement includes some details of energy efficiency measures that will be included such as the installation of an air source heat pump. It is however necessary to impose a condition to secure the precise details of these. This will ensure compliance with the policies.

SUMMARY

The proposal would result in an overdevelopment of the plot and give rise to unacceptable overlooking.

Although the proposal represents sustainable development, in accordance with paragraph 11d of the NPPF, the Council concludes that there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, outweigh the presumption in favour of sustainable development. As such the application 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.

RECOMMENDATION

REFUSE

- 1 The dwelling, by reason of its scale and plot size, would be an overdevelopment of the site and result in an overly cramped appearance which would be detrimental to the character and amenities of the surrounding residential area, in conflict with policies D SP1 and D DM1 (1) of

the Arun Local Plan and Section P of the Arun Design Guide.

- 2 The proposal will result in adverse overlooking upon the private amenity space of 'Longacres' and The Paddocks' in conflict with D DM1 (3) of the Arun Local Plan.
- 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 provide pre-application advice in respect of any future application for a revised development.