PLANNING APPLICATION REPORT

REF NO: **Y/6/08/**

LOCATION: Land adjacent to 23 Park Road
Yapton

PROPOSAL: Proposed new dwellling and associated garage (Re-submission following Y/94/07/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	1 x detached chalet bungalow with single storey rear conservatory, to measure (approximately) at maxiumum; 6.2m in height, 10.8m in length, and 13.5m in width 1 x free standing garage building to measure (approximately) at maxiumum; 4.2m in height, 6m in length, and 7.2m in width
SITE AREA	0.0543 hectares approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing approximately 1.5 - 1.8m in height, reinforced by shrubs
SITE CHARACTERISTICS	Garden land to No. 23 Park Road, a two-storey detached property with brick walls and tiled roof. Various domestic garden outbuildings.
CHARACTER OF LOCALITY	Residential cul-de-sac with two-storey properties similar in style and design to No. 23 Park Road.

RELEVANT SITE HISTORY

Reference	Description	Decision
Y/3/01/	Approval of reserved matters following the grant of outline permission Y/48/00/ for a detached dwelling	Approve 05-03-2001
Y/48/00/	Outline application for single dwelling	Approve Cond 08-11-2000
Y/30/03/	Extension to rear of property	Approve Cond 17-07-2003
Y/60/00/	Outline application for single dwelling	Refused 05-02-2001

Y/22/02/	Demolition of existing dwelling and erection of two new detached dwellings.	Withdrawn 29-04-2002
Y/94/07/	Proposed 5 Bed Dwelling with associated garage.	Withdrawn 22-01-2008

REPRESENTATIONS

Representations received:

Yapton Parish Council

West Sussex Wildlife Protection: land needs checking for wildlife

Comments on Representations received:

Noted. The land is garden land and, as such, is unlikely to contain protected species of notable worth

CONSULTATIONS

Head of Highways and Transport

Consultations responses received:

West Sussex County Council: No objection subject to construction plant and materials condition

Comments on Consultation responses:

Comments noted. In event of approval, condition will be attached.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	CH1	Character
	DEV1	High Quality Development
	DEV5	Parking Provision
	ERA1	Making the best use of land
	LOC1	Locational Strategy
Arun District Local Plan:	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

PPG13	Transport
PPS3	Housing
PPS1	Delivering Sustainable Development

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity, and parking provision

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 and residential amenities of the locality or parking provision.

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

This application follows Y/94/07, withdrawn at request of agent. The site is located within the built up area boundary, where development is acceptable in principle. It is noted previous application Y/60/00 was refused for near-identical proposal (indeed the current application has less amenity space than Y/60/00). However since 2000 Government guidance has changed, with Planning Policy Statement 3: Housing now material consideration. Within that document, paragraphs 40 and 47 make clear a key objective is to make effective use of land by re-using land that has been previously developed. The proposal clearly accords with this principle, and dimensions of both existing and proposed dwellinghouse plots are comparable to others within the locality. Both plots exhibit parking space to accord with local plan parking standards.

In regard to residential amenity, distances approximately 12m and greater between the new dwellinghouse and neighbouring properties, is sufficient to ensure overbearing and overshadowing effect is not of adverse degree. A certain amount of overlooking and loss of privacy would result from the proposal. However the distance retained between first floor windows and rear/front boundaries is sufficient to mitigate the majority of overlooking, so that remaining would not be unacceptable. Overlooking from the dormer in the north-west elevation is directed towards the far end corner of the garden of No. 23, and not the main dwellinghouse, with approximately 6m retained between that window and the boundary to No 23. So any overlooking would not unacceptable. The roof light in the south-east elevation is angled with obscure glazing to avoid direct overlooking. Taking above factors into consideration, the resultant overlooking and loss of privacy is not considered of such an adverse degree as to warrant refusal. Although the garage building abuts a boundary, it is single storey in design with an absence of windows or other openings in the roof slopes. As such any impact from the garage building is not adverse.

In regard to visual amenity, the proposal will be set well back from the street scene and built in a suburban style and design that reflects those surrounding. Orientation of the new buildings in relation to boundaries and other properties avoids a cramp development. Therefore the proposal would not be obtrusive in the street scene or wider locality.

It is therefore recommended that the planning application should be approved, subject to the conditions set out overleaf.

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 dwellinghouse and garage buildings hereby permitted have been submitted to and approved by the Local Planning Authority and the materials and

finishes so approved shall be used in the construction of the dwellinghouse and garage buildings hereby permitted.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3 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-east roof slope of the dwelling house building without the prior 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 DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

4 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 north-west elevation roofslope of the garage building hereby permitted without the prior 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 DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

5 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a hard/soft landscaping scheme. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

6 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

7 The rooflight on the south-east. elevation of the dwellinghouse building hereby permitted shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

8 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

9 The dwellinghouse and garage buildings hereby permitted shall not be occupied until the parking spaces, turning facilities, and garages shown on the plans hereby approved 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 No works shall be carried out on site unless provision is available within the site (or other adjacent land within the applicants control) in accordance with details approved by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site.

Reason: To avoid undue congestion of the site and consequent obtrusion to access in accordance with policies NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

11 This permission relates to the plans as submitted and amended by substitute plans dated 15-02-2008.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

12 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, or on parking provision, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1, DEV5, NE1, NE17, ERA1

LOCAL PLAN: GEN2, GEN7, GEN12

NATIONAL POLICIES: PPS1, PPS3, PPG13

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