

Recommendation Report for Planning Permission

REF NO: Y/97/20/PL

LOCATION: Kings Close
Yapton
BN18 0EX

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Permission is sought for an erection of a pair of 2 storey 3 bedroom semi-detached dwellings with associated parking for 4 cars and landscaping.</p> <p>The dwellings would be characterized by a gabled roof, a pair of oriel windows at first floor level on the front elevation and outriggers of the width of semis with half hipped roof with marginally lowered ridge above. The front and sides at the first floor would be covered with fibre cement weatherboarding and the rest would be brick. One smaller and one larger window would be inserted on rear elevation at the first floor level and bi-folding doors at the ground floor level. The main entrances are to the front.</p> <p>The access would be from Main Road via Kings Close. Cycle and bins storage would be situated on the side of semis with 2 parking bays for each dwelling to the front.</p>
SITE AREA	0.05 ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	40 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the 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	<p>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 side of the road. Residential dwellings in the area vary in terms of design and scale.</p> <p>The north-western side of cul de sac behind shopping area</p>

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 Kings Clare 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.

There is no relevant planning history of the site. As mention above the proposal site has been created reducing the rear gardens of two bungalows to the south-west.

REPRESENTATIONS

OBJECTION on the following grounds:

- Strongly against the loss of garden to housing if it results in the under-provision of amenity space to the existing property.
- Over development for the plot size.
- Questions whether sufficient parking has been adopted and have concerns relating to traffic movements into and out of the site to Kings Close.

5 letters of representations received:

- Village centre is over-developed. In the last six months the King's Close development was finished and completely sold.
- The previous traffic survey of this area is severely out of date.
- The site is home to smooth newts, foxes, hedgehogs, and many bird species.
- Earlier this year two mature trees were cut down before the application was made.
- The houses would over crowd the space available, create more traffic congestion in the village, deprive wildlife of habitat and cut sunlight from at least three surrounding gardens.
- Our quality of lives will be severely affected. Enough building has been completed in this road.
- Two storey buildings would affect the light and viewpoint from our property.
- The site was cleared and trees were cut down with no thought for the diverse wildlife there.
- A fence was put across the back gardens thus allowing themselves access from Kings Close (a private road) to the whole of the back lot; the site was stripped of all shrubs and trees, a gate and dropped kerb to Kings Close installed.
- We are concerned that the building of these properties will compromise our privacy.
- The more buildings we have seen in the local area the less wildlife we see.
- The way in which this plot was obtained is known as 'garden grabbing' and an over-development of land.
- From an ecological point of view, this is an excess of building on land that was intended to be a garden sanctuary for hedgehogs and a haven for other wildlife.
- In 2019 there were 3 adult and 3 baby hedgehogs living in this land, this year only 2 have been seen due to clearings on the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Impact on highways has been assessed by the WSCC. Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENGINEERS Comments Regarding Surface Water Drainage: - No objection, subject to condition and informative.

ADC ENVIRONMENTAL HEALTH: No objection subject to conditions.

WSCC HIGHWAYS: No objection subject to conditions.

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
ENVDM4	ENV DM4 Protection of trees
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

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.

The relevant policies of the Yapton Neighbourhood Development Plan have been taken into account in determining this application: E3, PK1 and BB1.

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 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, space standards 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, DDM1, 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 two dwellings in a sustainable location, nevertheless, two dwellings 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 development 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 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 dwellings would be in their former rear gardens and accessed via Kings Close. The plot is approximately 16x30m and all mature trees and bushes were cut down on the site some time before the application was been submitted.

Notwithstanding the form of development, both units 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 2 storey pair of semi-detached dwellings would be out of keeping with character and appearance of the area with bungalows sitting in shallow gardens to the south and very well set dwellings to the north-east but with shallow rear gardens.

The design of the proposed development would fails to share a common architectural language with dwellings on the south-eastern, southern part of cul de sac. Despite this the proposal, in terms of character and design, is not so harmful that a reason for refusal could be justified on this basis and would not therefore, conflict with those aspects of policies D DM1 and D SP1 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.

The new dwellings, due to their position and massing would have an adverse impact on living conditions of Kingswood and Kingsclare and the properties to the north due to their character and vicinity, limiting their outlook and resulting in an overbearing feel of a substantial building in close proximity to their rear gardens. In particular April Cottage has a depth of rear garden of approximately 3.5m.

The north-east and south-west elevations of the semi-detached dwellings would appear as an oppressive, bulky structure in close vicinity of rear gardens of neighbouring dwellings. The first floor windows on the rear elevations would overlook the rear gardens of Kingsclare to the south within a separation distance of 6m and The Lilacs to the north within approximately 7m causing demonstrable harm.

The development, as proposed, would have an impact to users and occupiers of nearby properties considered to result in adverse harm upon amenity by way of overbearing, overlooking and overshadowing especially in winter months when the sun hangs lower in the sky. Therefore it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan.

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 3 bed dwelling provides 2 off road parking spaces.

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

The site would be accessed via the existing dropped kerb and access point off Kings Close. Secure cycle parking provision is provided on the sides of the dwellings.

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 FLOOR SPACE STANDARDS 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.

The proposal relates to gross internal floor spaces of approximately 102 square metres which is above the requirement for a 3 bed dwelling size what is 93 square metres for 3 bed/5persons,2 storey dwellings.

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.

The proposal provides a rear garden spaces with a depth of 11.5m and 13m which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 & D DM2, Neighbourhood Development Plan and with the guidance in the NPPF (para. 127), however on expense of Kingswood and Kingsclare gardens which would not satisfy this requirement anymore.

IMPACT ON WILDLIFE:

Policy ENV DM5 of the Local Plan requires development scheme shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

Policy E3 of the the Yapton Neighbouring Plan stresses 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.

The site is a part of residential gardens with no areas of hardstanding. It was noted that almost all existing trees and bushes were cut down and the garden has been out of use for certain time and that could act as refugia for reptiles and other species as observed by the occupiers of surrounded dwellings.

No ecological survey has been submitted to show a potential impact of the proposed development on protected species (e.g.hedgehogs, newts and others) with details of measures to be incorporated into the development scheme to avoid loss of the species.

Therefore it is considered that the proposal does not accord with the policies above.

CONCLUSION

The development is considered to conflict with policies D SP1, D DM1, ENV DM5 and QE SP1 of the Arun Local Plan, policy E3 of the Yapton Neighbourhood Development Plan and relevant paragraphs of NPPF and therefore 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.

RECOMMENDATION

REFUSE

- 1 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.
- 2 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.
- 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.