

PLANNING APPLICATION REPORT

REF NO: FG/29/19/PL

LOCATION: South Point  
1 Beehive Lane  
Ferring  
BN12 5NL

PROPOSAL: Erection of 1 No. 2 bed dwelling

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The proposal is for a flat roofed, single storey, apartment style, one bedroom dwelling with a footprint measuring 7.1 x 11.8m (compared with 7m by 10.6m approved under FG/194/17/PL) with a height of 3.3m. The materials would match those approved for the adjacent apartments currently under construction.</p> <p>One parking space has been included in the red edged area for the purposes of this application. However the proposed occupier will utilise the communal parking area as a whole in the same manner as the occupiers of the approved eight apartments.</p> <p>The occupier of the proposed dwelling will also have use of the cycle store which has been previously approved for ten cycles and the bin store at the entrance to the site.</p>
SITE AREA	589 sq m.
RESIDENTIAL DEVELOPMENT DENSITY	17 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing to eastern boundary. Post and wire to frontage.
SITE CHARACTERISTICS	The site is grassed and lies adjacent to recently completed apartments at the junction of Beehive Lane and Ocean Drive. Bungalow to east.
CHARACTER OF LOCALITY	Mixed commercial and residential. Mainly bungalows fronting Beehive Lane. Houses at rear in Little Paddocks.

<b>RELEVANT SITE HISTORY</b>
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FG/194/17/PL	Erection of 1 no. 1 bed dwelling - Resubmission of FG/135/17/PL	Refused 02-03-18
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FG/135/17/PL      Erection of 1 no. 2 bed dwelling

Refused  
18-10-17

FG/33/17/PL      8 No. 2 bed apartments, new access, bin &amp; cycle store

ApproveConditionally  
11-05-17

This proposal is not a resubmission of FG/135/17/PL which had a larger footprint. This application proposes a minor repositioning and slight enlargement of the approved one-bedroom dwelling the subject of FG/194/17/PL to accommodate a second bedroom within the property.

FG/194/17/PL for the one-bedroom 9th apartment was refused for the following reason:

'The proposal by virtue of its layout, position and footprint, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding residential area and provide an unsatisfactory amount of outdoor amenity space for occupiers of the dwelling contrary to policy GEN7 of the Arun District Local Plan and policies DDM1 and EDSP1 of the Emerging Local Plan, policy 1A of the Ferring Neighbourhood Plan and the National Planning Policy Framework.'

The decision was appealed and the development was allowed by the Inspector who noted that the width and depth of the plot would be broadly similar to other existing residential properties along this road. There would be an open, landscaped space around the building which would help integrate the development in to the prevailing suburban residential setting. He concluded that there would be no harm to the character and appearance of the area. In terms of outdoor space he considered that the proposed building was functionally connected to the landscaped space which would surround it, in a similar manner to the adjacent apartments. Both the living room and bedroom had patio doors which opened out on to this area. Consequently, there was a clear intention to provide external amenity space for the new unit and there was sufficient access to external amenity space, to provide acceptable living conditions for future residents. This current proposal has removed the rear patio door from the bedroom and replaced it with a window, but access is still available from the front and side door.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- The importance of amenity space and the impact on the street scene was a key factor in the original refusal of the apartments and resulted in a re-aligned and reduced development. The subsequent addition of a ninth dwelling (allowed on appeal) to be built on the already limited amenity space and infilling the gap which was such a significant element of the permission for the apartment block was clearly unsympathetic with the environment and a loss of amenity space for the residents, only half of the apartments having been sold.
- The further erosion of that amenity space should not be allowed to continue unchecked.
- The proposal for a two bedroom dwelling is not justifiable. It would potentially provide accommodation for one extra person but to accommodate an extra person, the living areas have been impacted and are

less conducive to three residents in terms of size and layout.

- The front of the proposed dwelling has been squared off and the back extended reducing further the outside garden and amenity space for the dwelling. Even a reduction of that space by a further 6.4sq.m. is significant when so much has already been eroded since the original design was approved.

- With an additional resident, there is also the added potential for a further car with little on-site parking provision.

- The complex is served by narrow, unlit private streets with no pavements and is not appropriate for on street parking. The WSCC Highways 'desk-top' assessments underestimates the density of vehicular and pedestrian traffic on these narrow streets, especially at peak times with people making their way to and from the beach.

15 Objections:

- There are already too many residents in the village.

- Roads, parking, doctors etc are all over capacity.

- Persistent appealing against these rulings seems to win in the end which seems unfair.

- All 10 parking spaces should remain unallocated to ensure adequate parking is provided.

- The neighbour at No 2 must have some right to privacy and not be overlooked.

- Ferring needs as much open land as possible to absorb rainwater as the drainage system relies mainly on soakaways which are often blocked.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Whilst the flat roof form of the building differs from the appearance of other buildings along Beehive Lane, its fenestration and detailed design would replicate that found on South Point Apartments, which it would sit beside. The flat roof also reflects the two storey commercial style buildings found at the junction of Beehive Lane and Ocean Drive and is the same as that allowed at appeal.

The slight increase in size of the dwelling to create an additional bedroom would not result in a material increase in activity at the site or significantly increase the footprint and prominence of the development. All matters raised are discussed in greater detail in the conclusions section.

#### **CONSULTATIONS**

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Arboriculturist

Southern Water Planning

Parks and Landscapes

#### **CONSULTATION RESPONSES RECEIVED:**

Drainage Engineer - No Objection provided the development proceeds in accordance with the submitted drainage details.

County Highways - No Objection. Cycle parking condition requested. The site is located on a private road leading off of Sea Lane which is a publicly maintained C Classified residential highway subject to a 30 mph speed limit, because of this the Local Highways Authority (LHA) comments form advice only.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. A cycle parking condition is not considered necessary as it is provided elsewhere adjacent to the site.

**POLICY CONTEXT**

Designation applicable to site:  
Within Built Up Area Boundary  
Tree Preservation Order

**DEVELOPMENT PLAN POLICES**

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1A 'Spatial Plan for the Parish' and 10 Sustainable Drainage Systems of Ferring Neighbourhood Plan are considered relevant.

**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 not have a materially adverse effect on the visual amenities of the locality or 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 & BACKGROUND

This application is to provide a single storey 2 bedroom dwelling adjacent to the 8 flats, recently constructed, in an area that was originally allocated as amenity space to serve the flats.

The application proposes minor changes to the dwelling allowed at appeal under FG/194/17/PL that would extend the footprint and provide an additional bedroom. The only changes are the setting back of the dwelling a further 0.6m from its approved position and the increase in the depth of the dwelling by 1.2m. The overall gross internal area of the dwelling will be increased by 6.4sqm. Some minor alterations to the fenestration are proposed but overall, there is no change to the plot size, parking, height, general design or width of the proposed property. The Art Deco design with a flat roof has been retained.

##### DESIGN AND VISUAL AMENITY

This application proposes a slightly larger dwelling on the plot than that which was previously allowed at appeal. The dwelling would be located in an area that was allocated as amenity space to serve the 8 approved flats. The 1930s design would replicate that of the flats under construction and is acceptable. Whilst the proposal occupies part of an area which is acknowledged as an important visual break between the approved flats and the neighbouring bungalows in Beehive Lane, it replaces the large enclosed bin store which was previously approved in this area, albeit closer to the site frontage.

The width of the plot is narrower than other detached properties in Beehive Lane, but has already been allowed at appeal. The character of Beehive Lane is derived from detached bungalows and chalet dwellings in small/medium plots and the development would not compromise this general pattern of development in terms of layout and footprint. Its location in an area that has been allocated as amenity space to serve the new flat development has been accepted at appeal.

The most relevant comments of the Inspector when considering FG194/17/PL are set out below:

Paragraph 5 - "The proposed dwelling would follow the existing building line exhibited by South Point Apartments and the residential properties along Beehive Lane. The width and depth of the plot would be broadly similar to other existing residential properties along this road. There would be open, landscaped space around the building."

The proposed dwelling would be marginally set back from its approved position and would remain in keeping with the building line whilst slightly forward of the front elevation to no. 3 Beehive Lane but behind the main front elevation of the apartment building. The width of the dwelling is unchanged and the increase in depth of 1.2m would not be discernible from the street scene or out of character with the size of properties in the area. The open landscaped area around the building would remain.

Paragraph 6 - "Whilst the flat roof form of the building differs from the appearance of other buildings

along Beehive Lane, its fenestration and detailed design would replicate that found on South Point Apartments, which it would sit beside. The flat roof also reflects the two storey commercial style buildings found at the junction of Beehive Lane and Ocean Drive. Its limited height means that it would not appear unduly prominent. These considerations lead me to the view that the proposed building would not appear out of place or visually discordant, when viewed from Beehive Lane."

There is no significant change proposed to the appearance of the building from the street scene and therefore it will remain in keeping with the character of the area as described by the Inspector.

Paragraph 8 - "Within this area, the proposed building would be set well away from the main apartment building, beyond the access road. The immediate open setting of this apartment building would be preserved. There would also be a reasonably sized gap between the building and No.3 Beehive Lane. Consequently, the proposed building would not appear cramped in relation to its surroundings. The site would not appear overdeveloped."

This application does not propose any increase in the width of the building. The open setting of the apartment building will be maintained by this proposal, as will the gap to no. 3 Beehive Lane. This proposal will not result in any changes that would result in it appearing cramped or overdeveloped.

Policy 1A (Spatial Plan for the Parish) of the Ferring Neighbourhood Plan 2014 (NP), supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the relevant development plan policies. Given the above it is considered that the proposal would comply with this spatial policy.

The wall/fencing treatments to the front and side boundaries which were approved under previous applications, have been provided and will remain unchanged. Additional landscaping is proposed to screen the amenity space from the parking area and precise details are included in the application and provision is conditioned.

#### RESIDENTIAL AMENITY

The apartment will be located a reasonable distance from site boundaries. At its closest point the development would be 1.1m from the boundary with 3 Beehive Lane and given its height of 3.3m it would not result in adverse overbearing impacts on the adjoining property. The rear elevation would face the communal garden area and parking spaces. No adverse overlooking would therefore result. This view was shared by the Inspector at Paragraph 16 which states "This proposal involves a detached single storey building of modest height, located a reasonable distance away from surrounding residential properties. It would not be overbearing on any neighbouring properties, and there would be no material loss of light, privacy or outlook. The effect on the living conditions of existing residents would be acceptable in all respects."

These considerations all remain the same for the application proposal. The distances to neighbouring properties are not reduced and the increase in length will be adjacent to the garage in the rear garden of no. 3 Beehive Lane so will not result in any additional impact on the adjoining occupiers.

The minor increase in the length of the building will not materially affect the space to the north of the dwelling which will remain usable and contribute to the external amenity space considered appropriate for the dwelling by the Inspector.

With regard to the communal garden area the Inspector did not accept that the erection of a dwelling on the application site harmed the living conditions of the occupiers of the apartments. This remains the case for this application proposal. At Paragraph 13 the Inspector stated "The loss of this communal garden area would not lead to unacceptable living conditions, for the occupants of this recently

constructed building."

The proposal accords with the Nationally Prescribed Space Standards and is acceptable in terms of the amenity of future residents in this respect. The standard for a 2 bedroom single storey dwelling is 70 sqm and the proposed Gross Internal Floor Area is 71.9m<sup>2</sup>.

#### **HIGHWAY ACCESS**

The site is in on a private estate and will have only one access onto Beehive Lane. County Highways have no objections to this proposal in terms of highway safety.

The Inspector for application FG/194/17/PL considered the existing parking area of 10 spaces to be acceptable to serve both the apartment building and the proposed dwelling. He did not refer to the fact that only one bedroom was proposed in the appeal scheme. An additional bedroom as now proposed would not materially impact on the parking demand on the site and, as noted by the Inspector, there would be no harm in any event arising from overflow parking in the locality. At Paragraph 17 the Inspector stated- "Off street parking is provided both for South Point Apartments and the proposed additional residential unit. On the evidence before me, this would be sufficient to absorb most of the likely parking demand arising from this development. Any additional parking demand could be accommodated on the on-street parking spaces surrounding the site. The proposal for one additional unit would not lead to unacceptable congestion or materially obstruct the free flow of traffic in the surrounding area."

Additionally, it is noted that the provision of 10 parking spaces exceeds the Parking Demand Calculator which gives a total demand of eight unallocated spaces. The scheme allocates 1 car parking space for the property. County Highways have not raised this as being an inadequate level of parking.

#### **SUMMARY**

The proposal results in very little change to the overall appearance of the dwelling from the street scene perspective, and there would be no additional impact on the living conditions of adjoining occupiers or on parking. Distances to side boundaries, the height, width and general design of the dwelling all remain as approved by the Inspector. The additional depth of the property will not significantly affect the amount of amenity space available to serve the dwelling. The plot size remains the same and in keeping with the character of the area as described by the Inspector. The proposal is therefore recommended for approval subject to the following conditions.

#### **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.

<b>RECOMMENDATION</b>
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## 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 The development hereby approved shall be carried out in accordance with the following approved plans:

Location/Block and Street Scene 1907 2.02A  
Proposed Floor Plans and Elevations 1907 2.01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The landscaping scheme indicated on drawing 155/03 rev03 and the planting schedule hereby approved shall be carried out in the first planting and seeding season, following the occupation of the building 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 policy D DM1 of the Arun Local Plan.

- 4 Development shall proceed in accordance with submitted surface water drainage scheme detailed in the submitted calculations and on drawings Surface Water Drainage 2019/SK1 and Surface Water Drainage 2019/SK2. The building shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 5 The building shall not be occupied until the parking space and turning facilities 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 and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy DDM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied unless and until the applicant has submitted

a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**FG/29/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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