

PLANNING APPLICATION REPORT

REF NO: A/14/23/RES

LOCATION: Land South of Downs Way
Angmering
BN16 1AA

PROPOSAL: Approval of reserved matters (access, appearance, landscaping, layout and scale) following APP/C3810/W/21/3268934 (A/151/20/OUT) for the erection of 1 No. dwelling and associated works (resubmission following A/218/22/RES). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application seeks the approval of reserved matters (access, appearance, landscaping, layout and scale) following the approval of A/151/20/OUT for 1 dwelling on land at Downs Way.</p> <p>The proposed dwelling is a 3 bedroom, 2-storey detached house with space for the parking of two cars with vehicle access from Downs Way.</p> <p>This is a resubmission of A/218/22/RES refused on the grounds of harm to visual and residential amenity.</p>
TOPOGRAPHY	Irregular shaped land, predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open amenity grassland.
SITE CHARACTERISTICS	The site is a parcel of open land set to the south side of Downs Way.
CHARACTER OF LOCALITY	The estate is mainly characterised by similar pairs of pitched roofed bungalows set well back from the roads, a few detached bungalows of similar style and siting, and linear terraces of broadly uniform 2-storey dwellings set well apart from one another, in a spacious network of grass verged roads, footpaths, and courts.

RELEVANT SITE HISTORY

A/151/20/OUT	Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.	Refused 11-11-20
		Appeal: Allowed+Conditions 24-09-21

A/218/22/RES	Approval of reserved matters (access, appearance, landscaping, layout and scale) following APP/C3810/W/21/3268934 (A/151/20/OUT) for the erection of 1 No. dwelling and associated works. This application is in CIL Zone 4 and is CIL liable as new dwelling.	Refused 28-11-22
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Application A/218/22/RES was refused on two grounds, the proposed development would negatively impact the spacious character of the area through the excessive enclosure of the existing open amenity space and, the proposal would be detrimental to the amenities of the occupiers of no.15 Ambersham Crescent, as the proposed dwelling would overshadow and restrict the outlook from the habitable accommodation of the property. This application has sought to rectify these reasons for refusal in this submission, by repositioning the proposed dwelling and amending the proposed dwelling's boundaries.

REPRESENTATIONS

Angmering Parish Council - Objection. Significant reduction of the quality of the area for local residents.

7 letters of objection from neighbouring residents.

- Loss of open space used for childrens play.
- Access will result in the loss of on street parking which is already problematic due to proximity of station.
- This section of land is valued by residents for its visual 'green' qualities.
- Inadequate number of doctors and dentists in area.
- Loss of light to 36 and 13 Ambersham Crescent.
- Prevents access for emergency vehicles to access residents of Ambersham Crescent.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Planning related issues will be discussed below in Conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC - Advice.

- WSCC Highways does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- Conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD6](#) Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 relevant policies of the Angmering Neighbourhood Plan have been taken into account in the determination of this application

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 accord with relevant Development Plan policies in that it provides a home which reflects the character of the area and will not significantly impact on the occupiers of neighbouring properties.

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

The principle of development was established under the outline permission (A/151/20/OUT), allowed on appeal.

In this case, the key policies are D SP1, D DM1, D DM2, QE SP1, ENV DM4 and T SP1 of the Arun Local Plan (ALP) and HD 4, HD 5, HD 6 and HD 8 of the Angmering Neighbourhood Plan (ANP).

Many representations have been received revolving around the loss of the open green space, potentially causing a negative impact to those who use the space for play. As a private parcel of land, its occasional informal use by members of the public could be stopped at any time and there is no evidence that users have ever sought to establish rights of use by way of the Assets of Community Value regime. Moreover, the principle of the loss of this open space has been established by virtue of the outline planning permission A/151/20/OUT. As such, the negative impact from loss of the open space in connection with the proposed development, whilst contrary to policy OSR DM1, does not warrant refusal of the application.

LAYOUT/APPEARANCE

Policy D DM1 of the ALP requires development to be of high-quality design, using appropriate materials and design features commensurate with the local vernacular. This is supported by Policy HD4, HD5 and HD6 of the ANP which supports the use of materials harmonious to their immediate surroundings and requires housing layout and design to reflect high-quality design and incorporation of local design features.

The proposed dwelling takes a simple rectangular form. It utilises a simple palette of materials and one which is in keeping with the location. The dwelling has been positioned approx. 2.2m further to the west, over that of the previous application, so it no longer lines up with the building lines (front/rear) established by nos. 7-15 Ambersham Crescent.

However, it is sited a comparable distance from the back edge of the footpath in Downs Way, as per No.36 Downs Way. Like No 36 Downs Way, the proposed dwelling is laid out to front Downs Way, which is different to the terrace of properties directly to the south, which front on to a pedestrian courtyard running north south between Ambersham Crescent and Downs Way. It is noted that no 36 Downs Way, which forms the end of its respective terrace also fronts Downs Way, as such the difference in layout and position to the terrace is not out of character.

Design Guidance (Part P- Infill Development) has regard to infill development such as this. It requires development to be reflective of existing building lines, existing building spacing and existing height, massing and scale. Despite the proposed dwelling being a detached building rather than a terraced property and an adjustment being made to its position in relation to nos. 7-15 Ambersham Crescent, in all other respects it matches existing site conditions.

The proposed dwelling will be built with materials and design features reflective of the local vernacular,

and accords with policies D DM1, D SP1 of the ALP, policies HD4, HD5 and HD6 of the ANP and Part P of the Design Guide.

SCALE

The amount of development on site not an overdevelopment of the site and is appropriate. Two-storey, 3-bedroom dwellings are a feature of the area, and it has an eaves and ridge line to match the neighbouring properties no. 36 Downs Way and no. 15 Ambersham Crescent.

The submission is for a single detached dwelling, which although uncharacteristic of this location which is predominantly one of small terraces of dwellings, will not significantly harm the character of the area. The principle of a single dwelling on this site has already been established as acceptable under the outline planning permission.

Plans also indicate the proposal has included space for bin storage and cycle storage, which are of an appropriate size and scale.

Policy D DM2 of the Local Plan requires adherence to the Nationally Described Space Standards. The proposal has a gross internal floor area of 122 sqm. According to these standards the minimum gross internal floor area for a 3-bedroom, 5-person 2 storey dwelling is of 93 m². The proposal would comply with this standard and policy D DM2 of the Arun Local Plan.

Part H of the ADG states that private amenity spaces should be a minimum of 10.5m in length, in this case the private amenity space to the western side of the building is 12.1m. A small side garden to the eastern elevation has also been included measuring over 6m. Although this garden acts as a 'frontage' as such it is not private, but it is still a defensible space.

In terms of size and scale it is comparable to other properties in the area and is therefore in accordance with policies D DM1 and D DM2 of the ALP and parts H and P of the ADG.

RESIDENTIAL AMENITIES

Policy D DM1 of the ALP requires the layout of new developments to have minimal impact on users and occupiers of nearby properties.

The proposed dwelling is to be located to the northern end of a terrace of 4 other properties, detached only by a 1.5m gap, albeit the property has now been moved 2.2m to the west when compared to the previous application. Unlike the row of terraces immediately to the south, the proposed dwelling fronts Downs Way to the north. It has two side gardens, the one to the west, which is the private amenity space, with the western elevation acting as the 'rear' elevation. The other to the east acting as a 'front' garden, thus maintaining the character of the layout of the terraces to the south. The alteration in the positioning of the proposed dwelling creates a slight staggered effect between the existing terrace and the proposed dwelling, with its rear elevation extending past the rear elevation of no.15. The encroachment past the rear elevation of no 15. Ambersham Crescent, will not create overshadowing or be overbearing given the proposed dwellings orientation to a more northerly position. When considering the back (of no 15) to side relationship (of the proposed dwelling) Part G of the ADG recommends utilising the 45-degree rule, where a horizontal line emanating from the centre of no 15's closest rear window at a 45-degree angle should not be breached by the new building. The proposed dwelling accords with this guidance.

No 15 has two first floor windows to this elevation directly facing the application site. One of the existing windows to no. 15 is to be to a non-habitable space i.e., the staircase. However, the second window is the only source of light/ventilation to a bedroom. The amendments to this application now position the front elevation of the proposed dwelling behind the entirety of the window, as such it is unobstructed

facing directly north with unobstructed views ranging around to the east.

Views to the west will be obstructed by the proposal but not to such a degree that would warrant refusal of planning permission. In terms of loss of sunlight, it is acknowledged that there will be some impact. There is no direct guidance in the ADG for this relationship, however if the 45-degree rule was also to be utilised in this instance the proposed dwelling would fail. This is not seen as a reason to refuse an application, as at appeal the Inspector granted approval for an indicatively proposed two-storey dwelling, which due to the small scale of the site, would have always lowered light levels into the neighbour's bedroom.

Part H of the ADG (residential amenity) states that the relationship between side elevation, to back/front elevations separation gaps to neighbouring properties, should be a minimum of 14m. In this instance, although technically the relationship is side (No 15) to rear (proposed) the proposed dwelling has been designed for its 'rear' elevation to face west, as such there is a suitable amount of light entering the western elevation of the proposed dwelling through appropriate openings.

In the Inspector's report for application A/151/20/OUT it is noted that 'Due to the lack of green space between the end of its private garden and the back edge of the pavement by the parking bay in Downs Way, the dwelling shown on the illustrative plans would look harmfully squeezed in. However, with careful siting of the dwelling and its grounds to maintain the spaciousness in the Downs Way street scene, there would be ample room for a dwelling that would respect the ordered character and spacious layout of the estate.' As such the impact on the street scene represents a key matter for consideration.

The indicative site layout submitted for A/151/20/OUT details a dwelling with a similar footprint, in the same position as the reserved matters submission. The indicative layout detailed a site boundary running from the eastern edge of the footpath to the back of no.15 Ambersham Crescent, running north meeting the back edge of the highway footpath, then turning and heading east, meeting the rear corner of the indicative property approx. 6m south of the edge of the highway footpath. As a result of this only the most north-western point of the fence met with the highways edge, the rest of the boundary had been set (at various distances) away from the highways edge.

The previous submission's boundary line followed the edge of the highway far more closely, this was unacceptable. Now the fence line follows the outline permission's boundary line far more closely, improving on the situation given the linear nature of the boundary treatment. A 1.8m fence is now proposed running in line with the rear fence lines of 7-15 Ambersham Crescent, then at the point it meets the back of the highways edge it returns to the western elevation of the property. The additional 'second garden', once fenced in, to the west of the main private amenity space is left as open grass land.

A picket fence, 1m high surrounds the front/side eastern garden area, this fence also extends to the back of the highways edge separating the open grass area to the east of the property from the parking area. Other low picket fences can be found in this location, including those which spring at right angles from the highways edge. This is in character with the area.

Part P of the Arun Design Guide states that consideration must be given to effects on the existing character and appearance of the streetscape, and how this may be enhanced or preserved. For the reasons given above the layout of this proposal improves on the previous submission, and although given the nature of the development it will impact the street scene, this impact is acceptable and will not cause significant harm.

Due to the unusual shape of the plot and the potential for future pressure to enclose the site with inappropriate fencing, and the potential negative impact arising from this enclosure, a condition will be added to restrict permitted development for the erection of fences, wall and other means of enclosure. A

similar condition will also be added preventing the erection of outbuildings to the open space, as this too could have a negative impact on the character of the area.

The layout of the proposal does not have significant negative on neighbouring properties or impact on the character of the area and accords with policies D DM1 and QE SP1 of the ALP.

ACCESS

Further to WSCC Highways comments seeking additional details in respect to the access arrangement from Downs Way onto site, the Applicant has supplied the required details.

No significant impacts relating to the access onto site remain and the proposal will be required to obtain a separate Vehicle Cross Over license to legally cross the highway footpath.

The proposed access onto the site accords with Policy T SP1 of the ALP.

2 parking spaces have been provided for onsite parking. A property in this location consisting of 3 bedrooms would be required to have 2 spaces on site as per the Arun Parking Standards. An electric vehicle (EV) charging point has also been included within the scheme, which accords with the Arun District Parking SPD.

Provision for 2 secure cycle spaces has been made as part of the application. A simple timber storage shed positioned adjacent to the northern boundary on site is acceptable.

The proposed car and cycle spaces on site and the provision of an EV charging point accord with Policy T SP1 of the ALP.

LANDSCAPING/TREES

A landscaping plan has been submitted as part of this application. 5 native trees and wildflower planting are proposed to the grass area outside of the formal boundary treatments of the property, which will improve the aesthetics and biodiversity of the area. No trees will be removed as part of the development; however, a small scrub bush will be removed in site clearance.

Further formal tree planting (pleached trees, no species given) within the dwellings boundaries is also proposed. This will act to re-green the area. The remaining area is laid to lawn or driveway. The proposal therefore accords with policy ENV DM4 of the ALP.

SUMMARY

This application has sought to address the previous reasons for refusal, namely the proposed dwellings impact on the character of the open spacious nature of the estate and negative impact to its immediate neighbours at No15 Ambersham Crescent.

Improvements have been made to the amount of boundary enclosure and its positioning, as such, no significant negative impact on the character of the area will arise. Furthermore, in repositioning the property, 2.1m from its previous location mean that the negative impact on No 15 Ambersham Crescent has been reduced. All these changes also accord with the comments made by the Inspector when approving A/151/20/OUT. The application 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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans;

- Location and Block Plan 223114/05 Rev C
- Site Plan 223141/06 Rev C
- Proposed Floor Plan 233141/02
- North and East Elevations 223141/03 Rev A
- South and West Elevations 223141/04 Rev A
- Site Sections 223141/07 Rev A
- Cycle Store 223114/08
- Landscaping Plan 223141/09

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

2 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the the approved Site Plan 223141/06 Rev C and Location and Block Plan 223114/05 Rev C.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

3 Landscaping shall be carried out in accordance with the approved landscaping drawings and details as shown on plan number 223141/09. All planting, seeding or turfing comprised in the

approved details shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the 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 and ENV DM4 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with DWG 223114/08 and the Proposed Site Plan 223141/06 Rev C. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 5 Prior to occupation of any of the approved dwelling, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires a dwelling with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) the erection or construction of any gate, fence, wall or other means of enclosure (other than those shown on the plans hereby approved) shall be formed other than those approved under dwg. Site Plan 223141/06 Rev C without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the character and appearance of the area in accordance with policies D DM1 of the Arun Local Plan.

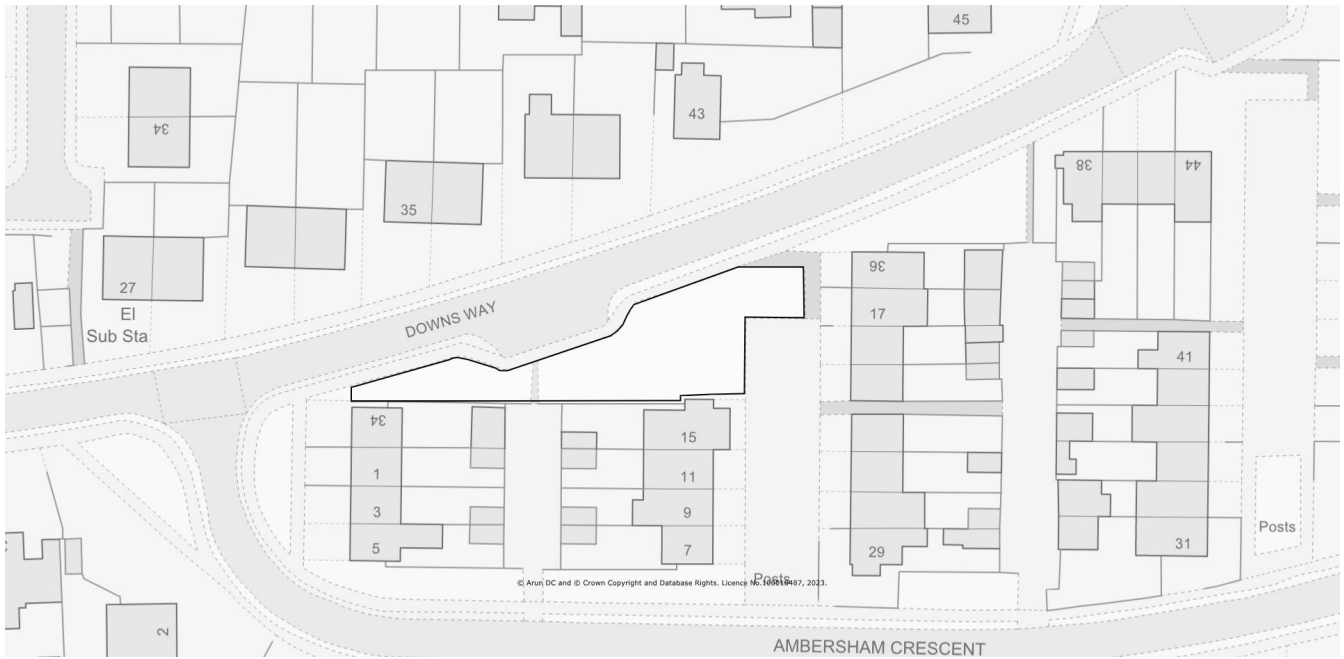
- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.

- 8 INFORMATIVE: The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence. Please call 01243 642105.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website [by going to https://www.arun.gov.uk/weekly-lists](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

A/14/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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