

PLANNING APPLICATION REPORT

REF NO: EP/7/23/PL

LOCATION: Land North of 9 Lashmar Road
East Preston
BN16 1ES

PROPOSAL: Erection of 1 No. two storey dwelling house. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>A two storey three-bedroom semi-detached house is proposed to a side garden to an existing property at the junction of 9 Lashmar Road and Cotswold Way.</p> <p>The dwelling will consist of 1no. external parking space and 1no. space within existing garage. Cycle and refuse storage in rear garden shed. Its ridge, eaves height and materials will match the existing house. It will have first floor windows fronting the Lashmar (east), the rear (west) as per the existing terrace, but also to Cotswold Way (north).</p> <p>All measurements are approximate.</p>
SITE AREA	0.04Ha.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Low brick wall with trellis along the west and northern boundary.
SITE CHARACTERISTICS	<p>Side garden of existing terraced house. The site sits at the corner of Lashmar Road and Cotswold Way and consists of a semi-detached dwelling, 9 Lashmar Rd, to the south, and a single-storey garage.</p> <p>9 Lashmar Rd is a two-storey residential building, on a corner plot accessed off Lashmar Road. Garden to rear and side. Additional access to the garden is from Cotswold Way adjacent to the garage. The existing dwelling has no north facing first floor windows.</p> <p>The street scene along Lashmar Road consists of semi-detached dwellings in brick with a similar roof profile and symmetrical elevations comprising of chimneys and regular window arrangements.</p> <p>Closest neighbours are:</p> <ul style="list-style-type: none"> - To the north 8 Lashmar Road, separated from the application site by Cotswold Way. The closest part of the proposed house

will be 17m from the closest part of 8 Lashmar Way.

- To the east 31 Cotswold Way, with single-storey garage buildings immediately to the east between the two properties. Back to side distance 16m. No. 31 is set back from the road and is to the rear of the existing house at No.9. (It is noted the Statements supporting the application appear to refer to this property as No. 25).

CHARACTER OF LOCALITY

To the north, east and south of the site are predominantly residential buildings.

To the west of the site is Lashmar Recreation Ground, housing a football field and children's playground.

Predominant local character is a mix of two storey detached, semi-detached houses, terraced houses and bungalows. Most of the houses are brick, with some to render.

The houses within Lashmar Road are relatively similar in appearance with a uniform street scene composed of semi-detached houses in brick with pitched roofs.

REPRESENTATIONS

East Preston Parish Council: Objection:

- Whilst the PC have praised the design of the proposed new property, it was concerned about the impact upon the existing property. A door and two windows will be lost from the northern elevation, and the property's external amenity space will be greatly reduced. Will the proposed garden of the existing property meet ADC's own minimum requirements?

- Recommend a Condition to ensure no high fencing or wall is erected around the proposed new property and that the open-plan feel of Lashmar Road and Cotswold Way is retained.

Four letters of objection which can be summarised as follows:

- Windows on the north side of the house will overlook garden and house.

- Loss of privacy.

- Enough houses in this location.

- Currently a dire situation in the immediate vicinity with regard to parking.

- Does not take into account the detriment to the host dwelling (9 Lashmar Road) should it be approved.

- Request a condition be imposed on the height of any fencing or wall on the boundary of Cotswold Way and Lashmar Road, to preserve open aspect.

- Concerns that the amenity of present and future residents of the existing house at 9 Lashmar Road will be severely compromised by having a structure attached to its north elevation, removing light from two windows and a glazed door on the ground floor, and resulting in a reduced back garden.

- Front of no.9 will be almost completely taken up by 2 cramped parking spaces which would presumably necessitate an application to the County Council for a dropped kerb.

Four letters of support which can be summarised as follows:

- Looks like a good design and more housing needed.

- Care and attention has been given to the design and this would provide further affordable housing.

- Should be supported good quality housing is difficult to find and should be encouraged.

- The design is sympathetic to the street scene and the proposed house will provide much needed

housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning related comments will be addressed in conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection. Conditions recommended.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions regarding unexpected contamination, electric vehicle charging provision, internal noise levels, construction hours and construction management plan (CMP).

ADC DRAINAGE ENGINEERS - Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health's request for a condition requiring a CMP is not necessary for such a small scale development such as this. Garden land is not expected to suffer from contamination and noise levels are no different in this case to what they are for neighbouring dwellings.

POLICY CONTEXT

Designations applicable to site:
Within the Built Up Area Boundary;
CIL Zone 4.

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
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 5 Design in Character Area Four

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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. East Preston Neighbourhood Plan.

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 complies with relevant Development Plan policies in that there would be no materially unacceptable effect on character, residential amenity, highway safety, biodiversity or climate change.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site lies in the built-up area boundary (BUAB) where development is acceptable in principle provided it accords with other development plan policies covering such issues as highway safety/parking, design/character, residential amenity, biodiversity and climate change.

Policies 1 and 5 of the East Preston Neighbourhood Plan (EPNP) are also relevant in respect to housing design principles and issues within character area 4.

DESIGN AND CHARACTER

D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The National Design Guide (NDG) requires achieving well-

designed places through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

The Arun Design Guide (ADG) in Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for contemporary design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties.

This is an area of mixed house types and designs but primarily traditional bungalows or taller chalet bungalows, with few instances of traditional two storeys. The dwelling will be identical in scale and design to the existing house to the south and will be built from materials appropriate to the surroundings.

The host dwelling is one of three semi-detached pairs of properties to this section of Lashmar Road. The external pairs of properties, that is the host dwelling and no. 14 Lashmar Road, are set equidistant to their respective side roads. Both side gardens to No.9 and No.14 abut the footpath. From number 9 to the highway's edge of Cotswold Road is approx. 12m as is the case for No. 14 Lashmar Road from the edge of Orchard Road. This creates a sense of balance between the properties in relation to the highways to this section of the road. Whilst the loss of the side open space at no. 9 will unbalance these pairs of properties and impact on the character of the area the relationship of the side of No. 8 Lashmar Road to the edge of Cotswold Road makes this acceptable. This distance is 4.3m which is in close comparison to the 4.5 m from the side of the proposed dwelling to Orchard Close. This comparable relationship in such close proximity means that the impact on local character from the proposal will not be so great as to justify refusal on these grounds.

It is proposed to include new parking for the host dwelling within their existing/proposed front garden. Other dwellings in this section of Lashmar Road also include hardstanding and parking to their front gardens (Nos. 11 and 14). As such this will cause no harm to the character of the area.

Proposed boundary treatments are not detailed. Accordingly, to ensure that they are in sympathy with the area, a condition is recommended. Overall, there will be no conflict with development plan policies in respect of design, character, or layout.

RESIDENTIAL AMENITY

Policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

8 Lashmar Road to the north has a side gable wall with one window at first floor and one at ground floor. There will be 20m between the upper flank wall of the proposed house and No.8 in line with ADG guidance.

There are no standards given for side to side, but it is normally expected that side windows are discrete, serve secondary rooms/areas and could be obscure glazed without harm to the amenity of future occupiers. Whilst the ADG advises windows and doors should normally be placed in front and rear walls to minimise overlooking of neighbours, in this instance, given the distances and orientation (as described below) of the proposals the proposed side windows are acceptable and will not give rise to a detrimental loss of amenity or privacy the occupiers or neighbouring residents. Furthermore, the addition of windows in the side elevation add visual interest and ensure natural surveillance of the area, in support of Part J.03 of the ADG.

To the rear (east) 31 Cotswold Way is separated from the new house by three single-storey garage buildings with parking in front immediately to the east between the two properties. Back to side distance is 16m. No. 31 is set back from the road and is predominantly to the rear of the existing house at No.9. The proposed house will not give rise to a detrimental loss of amenity to neighbouring occupiers.

The loss of the side door and two small high level ground floor windows to the host dwelling has been raised as a concern in representations. The loss of the limited levels of light that would arise from the proposals will not be significantly detrimental to the amenities of the occupier of No.9. nor will a reduction in the size of the garden which will remain 15m in depth above the ADG standard for rear gardens.

The ADG sets out standards for garden sizes and advises that rear gardens be a minimum of 10.5m deep and front gardens at least 2m. The proposal provides a rear and side wrap around garden with a depth of between 5.8m/8.8m to the rear and north-east corner, 13m front to back at the side and 6m at the front. Despite not meeting the required length for a rear garden, the total area of private amenity space when considering both the rear and side gardens (although discounting an open frontage) is greater than that which remains of the host dwelling and equal to other dwellings in the terrace. It is therefore acceptable.

SPACE STANDARDS AND QUALITY OF ACCOMMODATION

As required by policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Government's Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADG re-iterates this requirement.

The proposed house would have an internal area of 103m² whilst the requirement 3-bedroom 5-person 2 storey house according to the nationally described space standards is 93m². The dwelling exceeds the minimum space standard.

HIGHWAY SAFETY AND PARKING:

Policy T SP1 seeks to ensure development provides safe access on to the highway network, contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies, give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

ADC Parking requirements for a 3-bed dwelling in zone 2 is 2 spaces. The scheme provides sufficient space for the parking of 2 cars at each dwelling. WSCC Highways raise no objections. It is material that the NPPF only allows for a refusal on highway grounds when there is an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case there will be no such unacceptable or severe impacts. There is no conflict with T SP1 or the Parking SPD.

BIODIVERSITY

The site is existing residential garden and is likely to have low potential for biodiversity or species habitat. Policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. There will be only a limited loss of biodiversity on site as it already hosts human occupation from one dwelling. The new dwelling will result in the loss of low-quality grassed garden habitat. However, a condition will be imposed requiring two bird boxes to be provided in order to demonstrate some biodiversity net gain. The plans also show the planting of tree and hedging along the boundaries which is positive. As a result, there is no conflict with ENV DM5.

CLIMATE CHANGE AND SUSTAINABLE CONTRUCTION

Policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application does not provide specific details relating to these measures, these will be secured by condition. A further condition will secure electric vehicle charge points in accordance with policy QE DM3. Subject to these conditions the proposal would comply with ECC SP1 and ECC SP2.

SUMMARY

This proposal represents an appropriate form of development of an existing garden and does so without compromising the visual amenity of the area or the amenities of proposed or existing neighbouring residential occupiers. It is recommended the application be approved in accordance with 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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 is a CIL Liable development. It is in Zone 4 and should permission be granted then a CIL amount would be payable unless the applicant applies for exemption, subject to the requirements of the CIL Regulations 2010 (as amended).

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

- Location Plan, Block Plan, Existing Elevations PL 01 Rev B
- Site Plan, Proposed Floor Plans And Elevations PL 02 Rev B
- Street Scenes PL 03 Rev A

For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, QE SP1 and D DM1 of the Arun Local Plan.

3 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

4 No development above damp-proof course (DPC) level shall take place 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 dwelling 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 and ECC DM1 of the Arun Local Plan.

5 No part of the development shall be first occupied until two bird boxes have been placed either on the building or in trees in the garden. These shall then be thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan (PL 02 Rev B). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking spaces for the use in accordance with policy T SP1 of the Arun Local Plan.

7 Prior to occupation 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 all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 8 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme detailing proposed boundary treatments, including details of any existing hedges to be retained, together with measures for their protection during the course of the development. Any retained planting 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. The dwelling shall not be occupied until the boundary treatments have been implemented in accordance with the details agreed by the LPA under this condition, and shall thereafter be retained.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 10 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.

- 11 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available upon request from pollution@arun.gov.uk.

- 12 INFORMATIVE: Vehicle Crossover - Minor Highway Works.
The applicant is advised 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 that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>.

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> and entering the application reference or directly by clicking on [this link](#).

EP/7/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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