

PLANNING APPLICATION REPORT

REF NO:	FG/28/23/PL
LOCATION:	61 Sea Lane Gardens Ferring BN12 5EG
PROPOSAL:	1 No dwelling (resubmission following FG/37/22/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The proposed 3 bedroom, two storey detached dwelling is approx. 11.5m by 8.5m. The dwelling would comprise two roof forms with the main roof being approx. 6.8m at ridge height with eaves at 4.3m, and the secondary roof being approx. 4m at ridge height and 2.5m at eaves height. The dwelling is proposed to feature render at ground floor, plain tiles to the roof and plain tile hanging to the first floor. The plot is of an irregular shape and is located within the Eastern section of 61 Sea Lane Gardens.
SITE AREA	288 sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	39 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site is surrounded by mature hedging and trees. There is a TPO Ash tree to the northern boundary of the site.
BOUNDARY TREATMENT	Fencing, hedging and trees.
SITE CHARACTERISTICS	The site is within the curtilage of an existing 1.5 storey dwelling and situated between the junctions of Sea Lane Gardens and Greenways Crescent. It forms an irregular garden plot belonging to No 61. Sea Lane Gardens. The area is characterised by a relatively low density character with extensive tree cover. No. 36 (opposite) is a similar shaped plot and measures approx. 72m in length and ranges from 18.5m to 7.5m in depth, forming a long wedge plot between Sea Lane Gardens and Sea Lane. The proposed plot is of a similar wedge shape but shorter and narrower, with a length of 26m and a depth ranging from 19.5m to 5m.
CHARACTER OF LOCALITY	Predominantly residential. The site is located within an area of detached dwellings on the North side of Sea Lane Gardens and South of Greenways Crescent. Individual plot sizes within the area are generally larger, but there are many dwellings with limited curtilages around the bend to the West of Sea Lane Gardens and 2 No. bungalows with limited curtilage adjacent to the plot on the eastern side.

RELEVANT SITE HISTORY

FG/37/22/PL	1 No dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling.	Refused 21-04-22
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This application follows a refused application for one new dwelling on this plot. The primary concerns for the original refusal were the limited amenity space and limited site area for the scale of the proposed dwelling.

This submission has seen an increase in site area from the previous submission resulting in a site area of 288 square metres up from the previous 267 square metres. Through the alteration of the dwelling design, relocation of the highways access, parking, and reduction in the total parking area, the proposal has provided a larger and more usable garden space at 184 square metres, up from 127 square metres as had previously been proposed. More importantly, the bulk of this amenity space is in an more appropriate location.

REPRESENTATIONS

Ferring Parish Council - Objection:

- The change to the vehicular access reduces the highway safety concerns raised on the previous application.
- Concerns that the proposal is still an overdevelopment of the site.
- Concerns that this scheme does not overcome previous objections relating to design, density, and lack of private amenity space for the host dwelling.
- The applicant has tried to address the issue of overlooking into a neighbouring property to the south by the use of obscure glass to the first floor windows on that elevation. These windows appear to be openers and would not be an effective privacy barrier. At the very least these would need to be secured closed to a minimum height of 1.7 metres by condition, should the Local Planning Authority (LPA) be minded to approve.

10 No. Objections:

- Concerns of increased highway traffic both during and after the development.
- Noting previous concerns and reasons for refusal concerning the awkward shaped plot, limited amenity space and design.
- Concerns of overlooking.
- Concerns of overdevelopment and local character.
- Concerns of precedent for infill development.
- Loss of habitats.
- Concerns of surface drainage.

1 No. support:

- Stating the site is large enough for a dwelling.

Ferring Conservation Group - Objection:

- Noting the previous reasons for refusal (awkward shaped plot, contrived design and drainage) and claiming they have not been addressed by the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED:

All representations are noted and considered. The main concerns raised by the Parish Council and local residents relate to overdevelopment of the site, concerns of highway safety and use, and adverse impact on character of area. All policy and material planning concerns are addressed within the conclusions section of this report.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - Advice:

Requesting conditions regarding the following matters:

- Construction hours.
- A construction management plan.
- External lighting.
- EV charging.
- An informative noting that planning permission does not indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990.

WSCC Highways - Advice:

- Any access works proposed will require formal approval from the proprietor of the privately maintained road.
- The proposed development is not anticipated to lead to a material intensification of movements to or from the site.
- Acceptable off-street parking spaces and a cycle shed are proposed which is in accordance with the Arun Parking Standards for a dwelling of this size and location.
- On-site turning does not appear achievable, so vehicles may have to exit in a reverse gear - however, this is not anticipated to lead to a highway safety concern in this location.

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. Conditions regarding construction hours, EV charging points and Cycle storage have been added to this decision. Those concerning the request for a Construction Management Plan and external lighting conditions have not been imposed as they are not necessary for a scheme of this limited scale.

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

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

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 from the Ferring Neighbourhood Plan have been considered 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 in accordance with relevant Development Plan policies as it is of an acceptable density and design that would not have and significantly adverse or demonstrable negative impacts on the neighbouring properties or character of the area.

OTHER MATERIAL CONSIDERATIONS

The proposal would contribute, albeit to a limited degree, to the housing stock in the District. It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

CONCLUSIONS

PRINCIPLE

The site benefits from being within the Built-Up Area Boundary in which the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built-Up Area Boundaries and will be permitted, subject to consideration of other relevant policies of the within the Local Plan.

The key development plan policy considerations for this proposal are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), and ENV DM5 (Development and Biodiversity) of the Arun Local Plan.

Part P (Infill Development) of the Arun Design Guide is also of relevance. This Guidance seeks to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Ferring Parish Neighbourhood Plan.

Policies 1A (Spatial Plan for the Parish) and 10 (Sustainable Drainage Systems) of the Ferring Neighbourhood Plan 2014 (NP) are also relevant to consideration of this application.

Policy 1A, supports proposals inside the Built-Up Area Boundary provided they are suited to an urban setting and accord with the provisions of the Neighbourhood Plan and with other relevant Development Plan policies.

DESIGN AND VISUAL AMENITY

The design of the proposed dwelling reflects some prominent architectural features within the locality. It includes a small East facing dormer at first-floor, barn ended roof form, and a single storey gable ended forward projection, and is acceptable. The choice of materials (render walls, hanging tile and plain roof tiles) is also reflective of buildings in the locality and is acceptable, though given this is a prominent corner plot, details of these materials have been requested by way of condition to ensure they are of appropriate finish and quality.

In terms of scale, the dwelling is to be approx. 1m narrower but approx. 1m taller than that that of the previous refusal. The scale of the dwelling itself is not out of proportion for the area which generally features a mix of dwelling sizes but is inclusive of large, detached dwellings. From the street scene drawing submitted, it is clear the increased ridge height would be higher than that of 61 Sea Lane Gardens, but not significantly taller. The local area is predominantly characterised by 1/1.5 storey dwellings. Section P of the Arun Design Guide states that the prevailing character of the area should inform infill development. The majority of these 1.5 storey dwellings have a comparable roof height to No. 61. However, there are numerous examples of two storey dwellings within a reasonable proximity and the adjacent neighbour (No. 36 Sea Lane Gardens) features a two-storey component that is around the same height as the proposed dwelling. As such, the increased ridge height would not be a discordant feature within the locality. Additionally, Section J of the Arun Design Guide notes that small variations in ridge height can add interest to the street scene.

Many dwellings within the area feature large curtilages, giving a sense of openness and reducing the average density of plots within the area. However, reviewing other dwellings along Sea Lane Gardens, such as Nos. 63, 65, 26, 28 & row 31-39, it is clear that the local area features plots of varying sizes.

These dwellings feature minimal private amenity space and little separation between the host dwellings and their site boundaries, demonstrating that the area is not only characterised by large plots and low density housing.

The site is an irregularly shaped plot, tapering to the East and making it difficult for the inclusion of adequate amenity space, made clear by the previous refusal at the site. The relocation of the parking spaces has resulted in the opportunity for the location of the garden now to be to the East side of the plot. The maximum depth of the amenity space is approx. 13.4m. This is a far more extensive, functional, amenity space than the previous submission and would be compliant with the recommended 10.5m depth set out in Section H of the Arun Design Guide. It is noted that the layout of the plot ensures there is a sufficient separation distance between the dwelling and the TPO tree to the North, which is a positive factor. This space ensures that the relationship of the dwelling with the vegetation along the Northern boundary is appropriate. Whilst this is an awkward shaped plot, this proposal has addressed one of the main reasons for refusal previously, by providing adequate amenity space for the host dwelling.

The siting of the proposed dwelling is, at its closest point, approx. 2.5m from the South side boundary that abuts the road (Sea Lane Gardens). Whilst this is a short distance, it is comparable to that of No.36 Sea Lane Gardens across the street, and does maintain the tapering front building line of the dwellings to the North side of Sea Lane Gardens. It is also greater than the minimum 2m front garden depth stated in Section H.04 of the Arun Design Guide.

The proposed design is not out of character with the local area in terms of scale, materials and architectural features, or massing. The relationship of the footprint of the dwelling to its site area is comparable to, and in some cases more acceptable than, single storey dwellings within the vicinity.

In terms of design, visual amenity, and impact on the character of the area the proposed dwelling is acceptable and in accordance with policies D DM1 & D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. Given the isolated siting of the plot, it will have limited adverse impact by way of overbearing or overshadowing on any neighbouring dwellings with the exception of No. 61 Sea Lane Gardens. The proposed dwelling would retain a separation distance of approx. 11.5m from the front of No. 61 to the side of the proposed dwelling. The minimum recommended separation distance from front to side elevations set out in Section H of the Arun Design Guide is 14m. However, it is noted that the relationship of these two elevations does not span the full extent of the No.61 due to the offset siting of the two dwellings and therefore, overshadowing or overbearing impact to No. 61 is limited. There are also no first-floor windows proposed to the West elevation of the new dwelling and so there would be no adverse impacts by way of overlooking on No. 61.

The proposed dwelling is separated from the neighbour dwelling to the South by approx. 13.5m. Being a front to side relationship, this is 0.5m lower than that of the recommended 14m minimum set out in Section H of the Arun Design Guide. However, this is a minor deviation and there are existing trees to the South elevation that are to be retained that would mitigate the impacts this development on No. 36. The plans also indicate obscure glazing up to 1.7m from finished floor level to the first-floor windows on the South elevation. This window is to be conditioned to remain obscure glazed and non-opening to address the lower than 14m separation distance between this window and the front windows of No. 36.

By relocating the private amenity space to the Eastern side of the plot, impacts by way of overlooking from No. 61 to the proposed dwelling as seen in the previous submission, have been removed.

The proposed dwelling would afford future and neighbouring occupiers with an acceptable standard of amenity in compliance with Policy D DM1 & QE SP1 of the Arun Local Plan, and the Arun Design Guide.

QUALITY & SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the Nationally Prescribed Space Standards (NDSS).

The proposal is for a 3-bedroom two storey dwelling. The overall site area, gross internal floor space (GIA), and amenity space are adequate, with the GIA exceeding the minimum area set out in the NDSS. Each bedroom is of an appropriate width and internal floor area, with two of the bedrooms including designated storage. From measuring the submitted sections, the floor to ceiling heights throughout the ground floor are consistently at a minimum of 2.3m, and at first floor, are predominantly at a height of 2.3m, resulting in an overall 75% 2.3m floor to ceiling height, as per the NDSS requirements.

The external private amenity space (Garden) features a minimum depth of 13m from the side wall to the East side site boundary. Whilst this is a side amenity space, it is an isolated area with dense boundary treatment and roads to the North, East, and South sides of the space. The width of this garden area ranges from 8.5m to 5m tapering toward the end covering and approx. 76 sqm. There is also external space provided to the South-West and North of the dwelling however, these areas appear more as buffers to the site boundaries than functional amenity space and are considered as such. The side garden area is not extensive, but is of a sufficient depth and area to be considered a functional and usable private amenity space in accordance with Section H.04 of the Arun Design Guide.

The proposal is in accordance with policy D DM2 of the ALP as it is compliant with the NDSS, and Section H.04 of the Arun Design Guide.

TREES AND ECOLOGY

The Tree Officer has been consulted but no response has been received as yet. However, it has been demonstrated by the site plan that the proposed dwelling would be sufficiently separated from the TPO tree (outside of its Root Protection Area) and that the trees surrounding the perimeter of the site are to be retained. Adequate consideration of both the protected and other high amenity trees has been shown in accordance with policy ENV DM4 of the Arun Local Plan.

Policy ENV DM5 requires development seek to achieve a net gain in biodiversity and protect existing habitats on site. The garden area would have a positive impact on biodiversity when compared to the existing hardstanding that is present. Additionally, the retention of the trees and hedging surrounding the perimeter of the site is also positive but would not contribute to a net gain of biodiversity. The introduction of additional biodiversity measures would be necessary to demonstrate that the application would achieve biodiversity net gain. These enhancements are to be secured by way of condition attached to this decision.

Subject to the relevant conditions, the proposal is in accordance with policies ENV DM4 & ENV DM5 of the Arun Local Plan.

ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low

carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected.

Subject to conditions, the proposal is in accordance with relevant Development Plan policy ECC SP2 of the Arun Local Plan.

ACCESS & PARKING

The proposed level of parking provision to serve the new dwelling is for 2 No. parking spaces which is appropriate and in accordance with the Arun Parking Standards Supplementary Planning Document for this area and policy T SP1 of the Arun Local Plan. Adequate off street parking would also be retained by No.61 to meet that property's own parking needs.

West Sussex County Council Highways have confirmed that the proposed access and parking provision would not give rise to any unacceptable impact on highway safety. The proposal also includes the provision of cycle storage which is to be secured by way of condition on this decision.

Policy T SP1 of the Arun Local Plan also requires the incorporation of facilities for charging electric and plug-in hybrid vehicles. This is also to be secured by way of a planning condition.

SUMMARY

For the reasons outlined above, the proposal is in accordance with the relevant Development Plan policies and is recommended for approval subject to the following conditions and informatives.

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 (dependent on any exemptions or relief that may apply).

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:

 - Proposed Street Elevations (Dwg No. 06 A).
 - Proposed Site Plan (Dwg No. 01 C).
 - Proposed Floor Plans (Dwg No. 04 A).
 - Proposed Elevations (Dwg No. 05 A).
 - Location Plan (Dwg No. 01).
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.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, character, and appearance of the area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.
- 4 The proposed first-floor window to the South elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a minimum height of 1.7m from the finished floor level of the room that it serves. This window shall remain as such in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.
- 5 No part of the development shall be first occupied until covered and secure cycle parking provision has been provided in accordance with the Proposed Site Plan (Dwg No. 01 C) details of which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be retained.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.
- 6 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 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.

- 7 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank/Public Holidays.

Reason: to protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 8 No development above damp proof course (DPC) level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance biodiversity on the site and within the vicinity in accordance with Policy ENV DM5 of the Arun Local Plan.

- 9 The dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. 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 of the Arun.

- 10 INFORMATIVE: Any access works proposed will require formal approval from the proprietor of the privately maintained road.
- 11 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 12 INFORMATIVE: This development is CIL liable.
- 13 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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](#).

FG/28/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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