

PLANNING APPLICATION REPORT

REF NO: AB/9/24/PL

LOCATION: Orchard House
33A Torton Hill Road
Arundel
BN18 9HF

PROPOSAL: Demolition of existing dwelling and erection of 1 No. replacement dwelling with associated landscaping. This application is in CIL Zone 2 and is CIL liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The replacement dwelling is larger in scale than the existing, maintaining the front building line but extending further backwards into the plot. Its overall depth is approximately 18.6m compared to 11.4m as existing.</p> <p>The new dwelling will have four en-suite bedrooms at first floor with two in the roof. Two integral garage spaces are proposed and there is no change to the front driveway (other than new permeable surfacing and landscaping). The dwelling will be of masonry construction with white rendered facades inclusive of a portion of hung tile to the first floor (front facade). Aluminium framed windows and doors will be provided.</p> <p>The roof will be half hipped on the flanks with a central flat top and front/rear projecting gables/dormers. The ridge height of the new dwelling is approximately 9.5m (measured at the front) compared to 7.8m for the existing. The first floor has balconies at the rear. New landscaping is proposed at the front and rear.</p>
SITE AREA	1666.3 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	No change.
TOPOGRAPHY	The site slopes from the front to the rear.
TREES	Mature and prominent trees to the front (but outside) of the site. These are on highway land. Further trees in or adjacent to the site boundaries and with a cluster in the rear garden.
BOUNDARY TREATMENT	Mix of hedging, fencing and walls. The landscape drawing suggests all boundaries are to remain except the rear fence which is in disrepair and requires replacement.
SITE CHARACTERISTICS	Large detached two storey dwelling with accommodation in the roof and a chimney on either side. The property has six bedrooms. Materials are brick, stone, and tiles. The dwelling

has a twin integral garage and large front driveway for parking. Extensive gardens to the rear.

CHARACTER OF LOCALITY

Residential in nature and benefits from an open spatial quality with detached and semi-detached, predominantly red bricked, dwellings set back from the road with generous garden areas. The property is surrounded by two and two and a half storey properties with substantial gardens.

RELEVANT SITE HISTORY

AB/24/23/PL	Demolition of existing detached dwelling and garage and erection of 1 No detached dwelling with rear annexe (resubmission following AB/150/22/PL. This site is in CIL Zone 2 and is CIL Liable as a new dwelling.	ApproveConditionally 09-06-23
AB/110/21/HH	Two storey front and rear extension, hip to gable roof extension and alterations to fenestration.	ApproveConditionally 01-11-21

AB/110/21/HH proposed two storey front and rear extensions including the raising of the roof. The extended property would have had a maximum depth of 17.3m and a ridge height of approximately 9.5m (measured at the front). This permission is valid until 21 November 2024. It is noted the Town Council did not object to this. This application takes the previously proposed form & frontage and has revised the internal layouts whilst retaining the visual look of the front and rear. AB/24/23/PL is referred to elsewhere in this report.

REPRESENTATIONS

Arundel Town Council object - the height of the ridge which will be overbearing on the street scene.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The height is discussed in the conclusions section.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - note the position of a sewer in the back garden which may need to be diverted or require the layout to be amended. Request an Odour assessment due to the site being in their 500m buffer (330m to be exact) of the demolished Arundel Wastewater Treatment Works.

ADC DRAINAGE ENGINEERS - at the time of writing no response has been received, It is noted in their response to AB/24/23/PL they requested no conditions and advised drainage would be covered by Building Regulations. This location is not subject to any high risk of ground, surface, or watercourse flooding.

COMMENTS ON CONSULTATION RESPONSES:

There is separate legislation concerning the protection of sewers so a condition cannot be imposed but an informative will be added to ensure the applicant is aware of this.

The request for an odour assessment is noted. It is material that the proposal concerns the replacement of a dwelling not additional residential development. Southern Water did not request the same assessment in April 2023 on an application for a replacement dwelling a short distance away and in the 500m buffer (AB/24/23/PL - 23 Torton Hill Road).

POLICY CONTEXT

Designations applicable to the site:

Within the Built Up Area Boundary.
Current/Future Flood Zone 1.
Low Groundwater Flood Risk
Southern Water Sewer within part of the back garden.
2km buffer of Arundel Park SSSI; and
CIL Zone 2.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Arundel Neighbourhood Plan 2018-2031 AR1](#) Arundel Built Up Area Boundary

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 Arundel Neighbourhood Development Plan has been considered in this determination.

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 it would not result in a development that would be out of character with the area or result in any significantly adverse impacts to the built or natural environment, or residential amenities.

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 material that there is an extant planning permission for extensions which achieves a very similar design of dwelling (including the same height) as proposed. There are no pre-commencement conditions on the extant permission and it is understood it already benefits from Building Regulations approval.

CONCLUSIONS

PRINCIPLE:

The site is in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other development plan policies covering such issues as highway safety/parking, design/character, residential amenity, biodiversity, and climate change. The location in the BUAB means that the proposal complies with Policy AR1 of the Arundel Neighbourhood Development Plan (ANDP). It is relevant that this application is for a replacement dwelling.

DESIGN AND CHARACTER:

ALP policies 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 Arun Design Guide (ADG) is a material consideration and part J is particularly pertinent. This refers to new building design and states development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for contemporary design forms where these take cues from well-designed elements of the area. Development should generally reflect the scale of existing buildings and avoid overshadowing neighbouring properties.

This is an area of predominantly large, detached dwellings in extensive gardens, well set back from the road and benefitting from well-established street trees. During spring and summer months when trees are in leaf, there is limited visibility of existing houses from the road. There is no visibility of the rear of the site except from neighbouring properties. Heights are not uniform but there are examples of a third storey in the roof including at the host dwelling and diagonally opposite at no. 38.

It is material that there is an extant permission for extensions which achieve an almost identical design and scale to that proposed. The only real differences between the two schemes are the extra depth (18.6m versus 17.3m) and the addition of the flat roof top (measuring 11m by 1.5m). There are some design/fenestration changes. The previous application was determined against the same planning policies including the ADG.

This scheme significantly increases the floor area. This does not negatively impact the proposal as much of the additional floor area is contained at first and second floor levels. The increase in habitable space in a similar footprint is an effective use of the land, especially as the house is on a large plot. Likewise, the scheme does not compromise the established spatial character of the area, which is characterised by large two/two and a half storey residential dwellings on large plots.

From the street, the roof changes and extra height will be highly visible (less so when the trees are in leaf). This aspect of the scheme will increase the bulk of the roof. This is not a reason for refusal as the previous eaves line level to the front of the building will be maintained, through a northward falling catslide roof above the garage and through the use of a similar eaves line to the western half of the front.

The building is on the southern side of Torton Hill Road, at which point the houses are lower than the road which is lower still than the houses on the north side. Due to this, front boundary fences/hedges on the south side are taller by approximately 0.5-1m.

The design and scale remains very similar to the approved scheme, and this coupled with the characteristics of the site (lower level than land on the northern side of the road), set back building line and extensive street trees are such that the proposal is acceptable in design and character terms. A condition will be imposed to require approval of the materials. There is no conflict with the relevant development plan policies or guidance.

RESIDENTIAL AMENITIES:

ALP 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.

There are no standards given for side to side, but it is normally expected that side windows are discrete, serve secondary rooms/areas and can be obscure glazed without harm to the amenity of future occupiers. The proposal includes four first floor flank bathroom windows but states these will be obscure glazed, and this will be reinforced by a condition.

Despite the changes to the depth of the building, due to the length of the plot, there is no conflict with interface distance standards. Two first floor balconies are proposed but one is recessed into the building and has solid sides. The second will have obscured full height side panels. Neither allows unhindered views of land to the east or west.

The dwelling will be in broadly the same position as the existing (albeit deeper into the plot) and occupies a very similar footprint to the extant permission. It will not unacceptably affect light to nearby properties. The proposal complies with relevant development plan policies.

QUALITY OF ACCOMMODATION:

As per ALP policy D DM2, it is necessary to assess the proposal against standards in the Governments 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 6 double bed dwelling would have an internal space of 521m² (excluding integral garage) whilst the requirement according to standards is 125m². The dwelling considerably exceeds the minimum standard.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The dwelling benefits from extensive rear gardens and this aspect is unchanged despite the extra depth of the building. There is no conflict with the ADG.

TREES AND BIODIVERSITY:

ALP policy ENV DM4 states protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees. The trees to the front contribute to the verdant character of the area but are on highway authority land and not in the site. There is no change to the position of the driveway access and although a new low front wall is proposed, this will be on the line of an existing low wall so there is already intrusion into the ground at this location. There are other trees in and adjacent to the site and whilst it is indicated that some small garden trees may need to be removed, it is proposed to replant these. On the basis that no trees are protected and that only small garden trees are affected, there is no policy conflict.

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The site is residential garden and likely to have low potential for protected species habitat so there is no need to consider this aspect. Ordinarily, it would be appropriate to impose a condition to seek details of biodiversity net gain/enhancements to comply with policy ENV DM5. In this case, it is material that there is already a dwelling here and no such requirement was imposed on the extant permission. The application proposes a landscaping scheme which includes new planting, replanting of affected trees, the retention of hedgerows, some new hedges, bat, and hedgehog boxes. This proposal can be conditioned and there is no conflict with ENV DM5.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, accommodate efficient delivery of goods & supplies, give priority to pedestrian & cycle movements, and provide appropriate levels of parking. The council's Parking SPD sets out a requirement for a dwelling of this size of 3 allocated parking spaces and 2 cycle storage spaces.

The proposal includes two integrated garage spaces, but these are undersized versus SPD standards (5.4m by 5.8m compared to the requirement for each to be 3m by 6m) and are not to be treated as providing any provision. The front parking area is extensive and can easily accommodate three cars with additional turning space. There is no indication of cycle storage, but a condition can be imposed.

The NPPF 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. There will be no such unacceptable or severe impacts. There is no conflict with ALP policy T SP1 or the Parking SPD.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The design and access statement sets out the following:

- use of high-performance materials to create an energy efficient and sustainable building envelope.
- a Mechanical Ventilation with Heat Recovery (MVHR) for ventilation and recovery of waste heat.
- water fittings will ensure the per person daily use remains below the water efficiency standard of less 110 litres per person per day.
- rainwater harvesting.
- wastewater heat recovery (WWHR) will be used to recover the latent heat from the waster hot water.
- solar panels will be used to feed into the dwelling reducing energy usage and carbon emissions.
- heating will be via Air Source Heat Pumps with thermal storage; and
- use of external louvres and specified glazing to mitigate the overheating risk.

These proposals can be controlled by planning condition and this along with a condition to secure an electric vehicle charge point will ensure compliance with the relevant policies.

SUMMARY:

This proposal represents an appropriate redevelopment of a building plot and does so without compromising the visual amenity of the area or the amenities of 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 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 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 application is CIL liable. The applicant has indicated the house will be self-built but the requisite forms have not been submitted and so it has not been possible yet to calculate the CIL liability. Arundel Town Council would receive a 25% share of any payment.

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 and proposed block plan 2000 rev P01.
Proposed ground floor plan 1050 rev P02.
Proposed first floor plan 1051 rev P01.
Proposed loft level plan 1052 rev P01.
Proposed roof level plan 1053 rev P01.
Proposed east elevation 3052 rev P01.
Proposed west elevation 3053 rev P01.
Proposed south elevation 3051 rev P01.
Proposed north elevation 3050 rev P01.
Proposed north elevation (street scene) 3055 rev P01; and
Landscaping masterplan rev D.

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

- 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 amenity of residents in accordance with Arun Local Plan policy QE SP1.

- 4 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the materials 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 visual amenity and character of the area by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policy D DM1.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided. The spaces so provided shall be retained in perpetuity.

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

6 Prior to occupation of the new dwelling, the applicant/developer shall provide electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. Individual charge points shall be in accordance with 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: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

7 The development shall include energy efficiency measures that reflect current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policies ECC SP1 and ECC SP2.

8 The landscaping and new wildlife features on the Landscape Masterplan Rev D shall be carried out in the first planting and seeding season, following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which, in 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 Arun Local Plan policy D DM1.

9 The hardstanding to the front garden hereby permitted shall be made of permeable or porous materials and/or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse.

Reason: To ensure adequate consideration of surface water runoff in accordance with Arun Local Plan policy W DM3.

10 The four first floor bathroom/ensuite windows on the east and west flank elevations of the dwelling 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 they serve. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with Arun Local Plan policies D DM1 and QE SP1.

11 The balcony screens to bedrooms 2 and 3 shall be implemented in accordance with the approved details prior to any use of the balconies and shall, thereafter, remain in place for the lifetime of the balcony.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with Arun Local Plan policies D DM1, and QE SP1.

12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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 representations that may have been received and determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the NPPF.

13 INFORMATIVE: The development will lie over an existing public foul sewer and this will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before construction begins. It may be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Please note:

- The 100 mm foul sewer requires a clearance of 3m on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3m of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located in 5m of public or adoptable gravity sewers; and
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf).

14 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 from:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

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.](https://www.arun.gov.uk/weekly-lists)

AB/9/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015