

PLANNING APPLICATION REPORT

REF NO: FP/145/24/PL

LOCATION: Land between 49-51 Summerley Lane  
Felpham  
PO22 7LF

PROPOSAL: 1 No. self-build single storey dwelling following demolition of garage. This application is in CIL zone 4 and is CIL liable as a new dwelling.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The application seeks to construct a single storey dwelling that will replace a garage. This is a resubmission of application FP/189/20/PL.
SITE AREA	350sqm.
TOPOGRAPHY	Predominantly flat.
TREES	There are six young trees on site that would be lost as a result of this development. The site is a residential garden and none of the trees in question contribute to the visual amenity of the wider public realm. The Local Planning Authority have no means of control over the loss of these trees and due to the lack of amenity value.
BOUNDARY TREATMENT	The site features a single storey garage with 1.7m fence either side that is set back from the highway, but is otherwise an open vehicular access point and driveway that abuts the street.
SITE CHARACTERISTICS	The site is part of the residential garden of 79 Limmer Lane and features a detached, single storey garage and access drive to the western end of the plot.
CHARACTER OF LOCALITY	The area features a mix of residential units of varying scale, design, and character, and a number of larger, three-storey flatted developments. Plots also vary in size.

<b>RELEVANT SITE HISTORY</b>
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FP/189/20/PL	1 No dwelling to replace existing garage. This site is in CIL Zone 4 and is CIL Liable as new dwelling.	Refused 26-11-20 <b>Appeal: Allowed+Conditions 03-08-21</b>
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FP/189/20/PL proposed the same scheme as the current application. It was refused on grounds of being overly cramped and out of character with the area but was allowed at appeal.

<b>REPRESENTATIONS</b>
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Felpham Parish Council - Objection:

- Overdevelopment.
- The dwelling, by reason of its design and scale, results in an overly cramped appearance and appears out of character, failing to relate satisfactorily to the established residential area in conflict with relevant Development Plan policies.
- Concerns for access issues.
- Concerns for the loss of mature trees in the garden.

No representations from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. All relevant planning matters discussed in the conclusions section below.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways:

- No apparent visibility issues.
- Not anticipated to give rise to a material intensification of use of the existing access point.
- Satisfied with level of parking provision.
- On-site turning does not appear achievable, so cars may have to exit in reverse gear. This is not anticipated to give rise to an adverse highway safety impact, due to good forward visibility.
- No transport grounds to resist the proposal.
- Conditions to secure car and cycle parking requested.

Ecologist:

- The proposed bird and bat box enhancements are acceptable.
- Surveys for bats, barn owls, breeding birds, badgers, dormice, great crested newts and reptiles were noted to have been undertaken but are absent. We would not expect these surveys. Could the applicant confirm if these surveys were undertaken?
- Appreciates lack of control over private gardens however, the garden is quite mature and offers local opportunities for nature. Could the applicant consider retaining some mature planting?

Environmental Health - No objection.

**COMMENTS ON CONSULTATION RESPONSES:**

Noted. The surveys referenced were not formal surveys undertaken by ecologists, but visual inspections by the agent. For an application of this size and context, no such surveys are a requirement as confirmed by the Council's Ecologist.

It was requested that the applicant consider retaining mature planting in the rear garden where possible. As an existing residential garden, the Local Planning Authority has no control over the potential, and regrettable loss of this planting.

**POLICY CONTEXT**

Designation applicable to site:  
Built-up Area Boundary.

2km Buffer for Site of Special Scientific Interest.

## 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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DDM2	D DM2 Internal space standards
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

Felpham Neighbourhood Plan 2014 POLICY ESD1 Design of new development

## 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.

## 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 comprise a residential infill development that would not unacceptably harm the residential amenities of neighbouring properties or the character of the area.

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 warrant a decision otherwise than in accordance with the development plan.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site benefits from being in the Built-Up Area Boundary in which the principle of residential development is acceptable in accordance with Policies SD SP2 of the Arun Local Plan (ALP) and EH1 of the Felpham Neighbourhood Development Plan (FNP).

##### **CHARACTER & DESIGN**

The dwelling is a single storey, hipped roof bungalow with a narrow profile that would sit on a narrow plot. It would be less than 1m from the northern boundary, and approx. 1m from the southern boundary. The surrounding area features a residential character that consists of a variety of plot densities, scales, and types, though they are generally much broader than the proposal site. The dwelling is of a scale and density that is not reflective of immediately adjacent units, nor is it felt to be consistent with the prevailing character of the area. The impacts of the proposal must be assessed with consideration of residential development in the locality that forms part of the established character of the locality, not just the prevailing character.

The proposal was previously refused on the grounds of being an overly cramped form of development that was out of character with the area. This decision was appealed and allowed, with the Inspector making direct reference to 32 & 34 Summerley Lane. These are two very narrow bungalows found on the opposite side of the road a short distance to the north. The Inspector acknowledged that these plots are unusual in the area, but that they still form part of the mixed residential character of the area and as such, the proposed unit would not be at odds with the established character of development in the area.

Materials of white render, plain clay tiles, and timber windows remain acceptable, and with consideration of the previous appeal, although the proposal would not be consistent with the prevailing character of the area, it is concluded that it would not be at odds with the established character of the area, and would not cause harm that would justify refusal on these grounds. A refusal on the grounds of the proposal constituting an overly cramped and out of character development, would not likely withstand a further appeal and could incur an award of costs.

The proposal is compliant with Policies D SP1 & D DM1 of the ALP, ESD1 of the ANP.

##### **NEIGHBOURING RESIDENTIAL AMENITY**

The dwelling will have a depth of 13.5m running east to west along the plot with a hipped roof ridge height of 5.75m. Although in close proximity and to the south of 41 (the neighbouring dwelling to the north), due to the height and the roof form of the proposal, which is much lower than the neighbouring properties, it would not be significantly overbearing or overshadowing.

To the northern elevation, there will be three windows. Whilst these would be in close proximity to 41, the proposal is single storey, and would look out to fencing along the shared boundary and would not cause adverse overlooking impacts as a result. The same can be said for the openings to the southern

elevation, which would be met by both boundary fencing and a neighbouring garage beyond.

Virtually abutting the southern boundary, is a pitched roofed garage running along part of the boundary that would help to obscure views of the dwelling, and with approx. 9m separation retained from southern elevation of the proposed dwelling to the side elevation of 51 (the dwelling to the south), there would be no significantly adverse impacts on this property.

The development does not result in any significantly adverse harm on neighbouring amenity by way of overbearing, overshadowing, or overlooking in accordance with Policies D DM1 & QE SP1 of the ALP. These conclusions regarding neighbouring residential amenity were corroborated by the Inspector on appeal.

#### **SPACE STANDARDS & QUALITY OF ACCOMODATION**

The dwelling has two bedrooms with four bed spaces. The gross internal floor space is greater than that of the 70sqm minimum for a single storey dwelling with this capacity. The dwelling features an extensive rear garden in excess of the standards identified by Section H of the Arun Design Guide.

The dwelling is compliant with Policy D DM2 of the ALP and Section H of the Arun Design Guide.

#### **TRANSPORT & PARKING**

The driveway would make use of an existing hardstanding and access, providing two car parking spaces with sufficient space, and an adequate provision of cycle parking spaces. WSCC Highways raise no concerns pertaining to the safety of the access, and the parking provisions are in accordance with the Arun Parking Standards.

Policy T SP1 of the ALP requires the provision of Electric Vehicle (EV) charging points and the Arun Parking Standards identifies these are required for dwellings featuring a garage or driveway. One EV Charging point is to be secured by condition in accordance with the Arun Parking Standards Supplementary Planning Document (SPD). The Inspector for the appeal decision did not impose such a condition on the basis that SPD, at the time, referred to this requirement where a proposal features a garage and driveway, not one or the other. The SPD was amended since the appeal to apply this requirement to a proposal that features a garage or a driveway.

Conditions securing car and cycle parking provisions have also been attached.

Subject to the relevant conditions, the proposal is in compliant with Policy T SP1 of the ALP.

#### **ENERGY EFFICIENCY & CLIMATE CHANGE**

Policy ECC SP2 requires 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 would be covered at Building Regulations stage. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision.

Subject to the relevant condition, the proposal is in accordance with Policy ECC SP2 of the ALP.

#### **NATURAL ENVIRONMENT**

The site is in the 2km Buffer Zone for a Site of Special Scientific interest (SSSI). The proposal is a small-scale infill development in a dense urban environment. It will have no adverse impact on the SSSI in accordance with Policies ENV SP1 & ENV DM5 of the ALP.

The proposal is a self-build development and is exempt from statutory biodiversity net gain. The site is a residential garden with a significant amount of planting in it. As an existing residential garden, the Local Planning Authority have no controls that could require the existing planting to be retained. The planting does not contribute to the visual amenities of the wider public realm, nor is it worthy of protection via a Tree Preservation Order.

The proposal is still required to achieve a biodiversity net gain in some form in line with policy ENV DM5, Bat and bird boxes have been conditioned as part of this recommendation, to secure some enhancement over a baseline, grassed rear garden.

The proposal is compliant with policy ENV DM5 of the ALP.

#### **SUMMARY**

The proposal is compliant with relevant Development Plan policies and is identical to a relatively recent appeal decision that allowed an identical development proposal. It 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) 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 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:

- 01 Site Location Plan, Revision A.
- 02 Site Plan, Revision A.
- 03 Floor Plans.
- 04 Elevations.
- 05 Street Elevation.
- 06 Block Plan.
- Image Location Plan, Cycle Bin Store Details, Roof PV Panels, 07, Revision A.

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

- 3 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the 2 No. bird boxes and 1 No. bat box shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 4 Prior to occupation of the dwelling, the applicant or developer shall provide the dwelling with an electric vehicle charge point in accordance with the council's standards as set out in its Parking Standards SPD. This requires that 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. 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 point 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.

- 5 The development shall include energy efficiency measures that reflect the 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 policy ECC SP2.

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

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 7 No part of the development shall be first occupied until cycle parking spaces have been provided in accordance with the approved site plan. 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.

- 8 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Arun Local Plan policy D DM1.

- 9 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission relates to a development which consists of no more than 9 dwellings; is carried out on a site which has an area of no larger than 0.5 hectares; and consists exclusively of dwellings which are self build or custom housebuilding.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 10 **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 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.

## **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)



**FP/145/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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