

PLANNING APPLICATION REPORT

REF NO: M/32/19/PL

LOCATION: 46 Sea Lane
Middleton-On-Sea
PO22 7RX

PROPOSAL: New dwelling & separate garage replacing the proposed new house in the previous planning permission ref: M/7/16/PL - Amendment to M/153/18/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	3 bedroom chalet style dwelling of modern design in the eastern side garden of 46 Sea Lane. The dwelling has a ridge height of 7.9m and an eaves height of 2.7m.
SITE AREA	783 sq m
RESIDENTIAL DEVELOPMENT DENSITY	13 dwellings per hectare
TOPOGRAPHY	Predominantly flat, but raised above the level of Sea Lane.
TREES	None affected by the development.
BOUNDARY TREATMENT	Trellis fencing and walling to south. Hedging and fencing to other boundaries
SITE CHARACTERISTICS	A detached 2 storey dwelling with gardens to the front, rear and side. The side garden has recently been cleared and the garage has been demolished.
CHARACTER OF LOCALITY	The Sea Lane boundary is a wide grass bank topped by a small tree and shrubs which acts as a landscaped edge. The area is part of a residential street comprising a mixed character with predominantly detached properties of mainly 2 storey height in medium/large plots set back from the highway with gardens to the front, side and rear within a spacious low density suburban environment. Foreshore to south of site.

RELEVANT SITE HISTORY

M/14/19/CLE	Application for a Lawful Development Certificate following grant of planning permission M/7/16/PL for an existing development - Confirmation required that permission has been lawfully commenced	Approve 22-05-19
M/7/16/PL	Demolition of existing garage, pool house & part east wing of existing house & erection of 1 No. dwelling &	ApproveConditionally 16-06-16

garage.

M7/16/PL granted permission for a 3 bed dwelling of very contemporary design in the eastern side garden of 46 Sea Lane. The access to the existing dwelling was shared with the new dwelling. The materials of the dwelling comprised self weathering cedar boarding, clay tiles, brickwork, hardwood windows and shutters. The seaward roof surfaces included photovoltaic tiles. The garage and pool house were to be demolished and 2 new garage buildings constructed.

The dwelling had an internal floor area of 208.5 sqm and a height of 6.8m. The proposal included demolition of the east wing of the dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection

- Out of character with the street scene.
- Overall mass, height and scale is out of keeping with surrounding properties.
- The proposed development is overbearing.
- Over development of the site.
- Sited in Area of Character and subject to the requirements of the Village Design Statement.

Three Objections

- The building is much too large for the location and size of the plot (over development).
- Larger than previously application and does not fit with the Middleton-on-Sea Village Design Statement (for example the tile/slate combination is out of character with the street scene).
- The large first floor window on the North elevation is overlooking neighbouring garden.
- Much too large for the area and not in keeping with the design principles of the Sea Lane estate.
- The location of the plot is key to the aesthetic and historical view approaching the sea at the end of Sea Lane.
- Is tile/slate roof an architectural feature or a structural requirement? Fully tiled roof would be better.

Two Support

- The proposed plans are fantastic.
- The site will make a wonderful home.
- Like the proposed mixture of tiles and slates for the roof.
- The size of the house seems appropriate and has been designed with respect to its neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

All of the comments on the application were made in response to the originally submitted application and not to the revised plans.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Engineers (Coastal Protection)
Ecology Advisor
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Coastal Engineer - No Objection. The proposal is located just outside of Flood Zone 2 & Flood Zone 3. It should be understood that the mapping provided by the Environment Agency is indicative and subject to change as new information/modelling becomes available.

Ecologist - No Objection. An updated Ecology Report has been submitted. Conditions and Informatives requested to cover the provision of a bird box, a lighting scheme to take account of bats in the local area a bat brick integrated into the building, ecological enhancements and avoidance of nesting time.

Conservation Officer - No Objection. The proposal will not cause harm to the heritage assets or their settings. Middleton-on-Sea estate has been identified as an Area of Character in the adopted Local Plan (2018), and as a consequence, is considered to be a non-designated heritage asset. The area contains attractive mature detached properties, set amongst spacious grounds. Properties appear to be of a relatively low density.

The precedent of a house was established in the previous consent. The site fronts Sea Lane which has a distinctively rural ambiance. Mature trees, bushes and grass verges add to this rural character.

The proposal is for a chalet style property which will have stone and wooden clad elevations and a tiled roof. The scale and character of the proposed building are more acceptable. The dwelling will not cover as much of the site as the previous scheme and is of similar scale to the neighbouring property.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition controlling materials is suggested.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Area of Character

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
ENVSP1	ENV SP1 Natural Environment

SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk
QESP1	QE SP1 Quality of the Environment
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Middleton does not have an adopted 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 is considered to comply with relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities and character of the area or residential amenities.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The proposal seeks to alter the design and appearance of the previously approved replacement dwelling

where the principle of redevelopment is accepted.

VISUAL AMENITY AND CHARACTER OF THE AREA

Planning Policies and Central Government advice support efficient and effective use of land. Policy D DM1(1) requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of scale, massing, aspect, siting, layout and density and D DM 1(14) requires scale to keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement. Central Government advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Paragraph 130 of the NPPF suggests that Authorities should refuse development of poor design that fails to take opportunities available for improving the character and quality of an area.

The principle of a new house was established in the permission for the subdivision of the plot (M/7/16/PL). This more traditional approach to the new house complies with local style constraints. The site is in a sensitive and prominent location in the Middleton Area of Character. The design and scale of the building is considered to respect this character. The size of the plot is comparable with others in the locality and the dwelling would retain an acceptable curtilage. The footprint, height and scale of the dwelling are comparable with neighbouring dwellings. The new house uses materials and forms prevalent in the village. The scheme is a detached house in its own landscaped garden. The garage is detached and forms part of the courtyard entrance with space for additional parking for two cars. The gable walls, ridges, bulk and massing are within the range of sizes of similar elements in adjacent buildings. Sections of the roof on the new house fall to eaves of 3m.

The layout of buildings follows the local pattern of detached houses with outbuildings (garages). The site is set back from the road by virtue of the existing verge. The distance from the seafront is 18m. It is proposed that the existing Sea Lane Boundary will be substantially landscaped with a wide raised planting zone and to the existing boundary which will be defined by a new flint and brick wall. Existing trees are retained where appropriate and new trees will be planted. Railings are not proposed but the new gates are designed as suggested in the Middleton Village Design Statement. The proposed house is set on the general frontage of the sea front detached houses. The proposal retains a reasonable space around the dwelling to ensure that the spaciousness which contributes to the character of the area is not compromised.

The dwelling is not significantly higher than the host dwelling (only 0.6m higher) and would not dominate this corner site or appear overly prominent in the locality. The plot has a depth of 44m and the dwelling and garaging would occupy 28m of this plot depth leaving a reasonable garden depth of 19m. Other properties to the west have garden depths to the beach of 23-25m and the host dwelling has a depth of 20m. The host dwelling is a chalet style property and is reflective of the modest proportions and height of dwellings in this part of the estate.

When compared with the approved dwelling (M/7/16/PL) the dwelling has a similar floor area with the same number of bedrooms and is a similar distance to site boundaries. The previous dwelling was angled on the site which better protected views across the site towards the seafront, but gave the development a greater northward projection in front of the host property. As with the approved dwelling this proposal has modest proportions and respects its setting making a positive contribution to the visual amenities of the locality.

For the reasons above it is considered that the proposal is compliant with policy D DM1 or the NPPF.

Within Areas of Character, policy HER DM4 of Arun Local Plan requires consideration to be given to the

retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc which make positive contributions to the special character of the area and development should also make a positive contribution to the special character of the area. This proposal includes a bank of soft landscaping over flint and brick walling and does not result in the loss of the perception of space derived from the side garden. The side elevation of the proposed dwelling is 2m from the side boundary at its closest point and 7m from Sea Lane. Given the position of the side elevations of the dwelling in relation to the site boundaries it would appear overly dominant when viewed from the side and rear boundaries. The dwelling would project 3m beyond the rear elevation of the host dwelling, but only for part of the southern elevation and 2.5m beyond the front elevation which visually intrudes on the perception of space around the existing dwelling and detracts from the character of the area.

The proposal provides a set back from the sea frontage of 19m which is in conformity with adjoining development and the existing dwelling. The proposal preserves a set back distance from both the road and seafront frontage and maintains a sense of space.

Middleton on Sea also has its Village Design Statement which contains a list of Design Guidelines. These refer to new developments being in keeping with the scale of existing developments and well related to existing buildings and space and materials, design, style detailing, layout and form demonstrating an awareness of local context. This proposal is in keeping with the character of the area and the scale of adjacent development. The use of materials comprising slate roof, brick elevations and clay tiles, render, boarding and incorporation of chimneys would comply with the design criteria. The development demonstrateS awareness of the local context in its use of layout and form.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates development will be permitted if it takes into account impact on adjoining occupiers. Good design should contribute positively to making places better for people. The development would be acceptable on the residential amenities of neighbouring properties because it would be sited an adequate distance from adjoining properties to preclude adverse overbearing or overlooking effects. It would be 14m from the nearest residential curtilage to the east and 24m from the boundary with the dwelling to the north. These distances are adequate to ensure there are no materially adverse impacts on the residential amenities of neighbouring properties.

Policy DDM1 of the Arun Local Plan indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. In accordance with policy D DM2 the council is applying the Nationally Described Space Standards. The proposal is compliant with the adopted standards.

BIODIVERSITY AND PROTECTED SPECIES

Due to the location of the site along the coast-line and Site of Nature Conservation Importance (SNCI) any submitted landscape scheme should not include certain plant species. The ecologist previously recommended that lawns to the rear (south of the property) are laid with a fine-leaved lawn turf or allow grasses and lawn species to naturally seed, thereby allowing local species to colonise that maybe better adapted to the harsh coastal environment and providing a natural feature to compliment the adjacent SNCI.

Informatives could be included to cover the recommendations of the submitted ecology report.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development provides safe access on to the highway

network & promotes sustainable transport, including the use of low emission fuels. It seeks that parking provision accords with West Sussex County Council guidance. In respect of highway safety, it states that transport and development proposals relating to new development need to demonstrate how it will provide efficient and safe access onto and off the site.

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that development should only be prevented where the residual cumulative impacts on the road network would be severe.

The proposal utilises an existing access and provides a new garage and 2 car parking spaces. The proposal provides 3 spaces and 2 are required by the ADC Parking Standards SPD. It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) 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.

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 South Elevation dated 08-10-2019
Proposed North Elevation dated 08-10-2019
Proposed East Elevation dated 08-10-2019
South Elevation Plan with levels
South and West material elevations dated 08-10-2019
Site Location proposed dated 29-03-2019
Section BB dated 08-10-2019
x-Section AA dated 08-10-2019
Roof Plan dated 08-10-2019
Proposed Landscaping and car parking dated 08-10-2019
North Elevation Plan with levels
North and East Elevation Materials dated 08-10-2019
Ground Floor dated 08-10-2019
First Floor dated 08-10-2019
East Elevation with levels
Drainage diversions dated 08-10-2019
Block Plan dated 08-10-2019
General Arrangement Drawings dated 08-10-2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 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 buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 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 landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants 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.'

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

- 5 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 existing or proposed dwelling houses 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 policy D DM1 of Arun Local Plan.

- 6 No development above damp proof course shall take place until details of the following wildlife habitats and enhancements have been submitted to and approved by the Local Planning Authority:

- Bat brick to be integrated into the building in south/south westerly facing elevation positioned 3-5m above ground
- A bird box on the building/ and or a tree
- Two hedgehog nesting boxes
- Incorporation of gaps at the bottom of the fences to allow movement of small mammals across the site.

The boxes/brick/gaps so approved shall be provided prior to occupation of the dwelling and retained in perpetuity.

Reason: In the interests of protected species in accordance with policy ENV DM5 of Arun Local Plan.

- 7 No development above damp proof course shall take place until details of Wildflower meadow planting to be incorporated within the scheme have been submitted to and approved by the Local Planning Authority. The details so approved shall be provided prior to occupation of the dwelling.

Reason: In the interests of biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

- 8 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.

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 10 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

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)

