

PLANNING APPLICATION REPORT

REF NO: CM/65/19/PL

LOCATION: Atherington Lodge
Climping Street
Climping
BN17 5RN

PROPOSAL: Demolition of existing dwelling & construction of new dwelling on existing footprint of original & retaining the same vernacular style - (Resubmission of CM/33/19/PL) Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for a replacement dwelling and the works on site are progressing. The existing dwelling had inadequate foundations which could not take the additional weight of the first floor alterations and accordingly the original dwelling was demolished. The new dwelling has a ridge height of 5.7m and an eaves height of 3.4m. There is no increase in either the height or footprint of the building. The precise materials are indicated on the submitted plans and comprise quoins, banding and brickwork dressings around window and door openings with knapped flint infill panels and Marley or similar sand faced concrete plain tiles to match existing.</p> <p>The proposed development effectively involves a demolition and redesign of the original property by creating a full first floor and more accommodation in the roof area. The proposal alters an existing 5 bedroom property, with 2 bedrooms at first floor to a 3 bedroom dwelling with all bedrooms at first floor level.</p>
SITE AREA	2268 sq metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A 2 metre flint and lime wall with a 3 metre hedge to the rear of the garden.
SITE CHARACTERISTICS	Formerly a detached bungalow on a large plot with a plain tile roof and rendered elevations that had been incrementally extended with dormers in the rear roof slope. Works have begun on site.
CHARACTER OF LOCALITY	A hamlet of dwelling houses and a bed and breakfast within 100 metres of Climping Beach front.

RELEVANT SITE HISTORY

CM/33/19/PL	Demolition of 1 No. existing dwelling & erection of 1 No. new dwelling.	Withdrawn 03-09-19
CM/3/18/HH	Raising of first floor to utilise attic space.	ApproveConditionally 23-04-18
CM/11/17/HH	Detached home office	ApproveConditionally 07-06-17

Planning permission CM/3/18/HH granted planning permission for first floor accommodation with first floor windows in the front and rear elevations.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- Loss of Privacy. The design adds new upstairs windows that now overlook the neighbouring property.
- Flood Risk Assessment Inadequate. The points of concern raised by the Environment Agency should be fully resolved before the application can be approved.
- The footprint and roof height of the new dwelling should match or be less than the demolished dwelling (roof height maximum 5.9 metres) and materials to be used should match those of the demolished dwelling.

One Objection:

- Demolition was unlawfully commenced.
- Pool house and garage is now an unlawful independent residential building.
- Barn is now an unlawful independent residential building.
- New build dwelling does not fit in with the street vernacular.
- House is almost finished.
- This area of Climping Street will be the first to flood.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The proposal does not result in a material loss of privacy. There is a distance from first floor windows and the eastern boundary of 28m and to the western boundary of 30m.
- The Environment Agency have not objected to the proposal on flood risk.
- The height and footprint of the replacement dwelling is no greater than the original dwelling.
- The proposal is acceptable in terms of its external appearance and impact on the street scene.
- The elevations now include brick detailing and quoin work and result in development which is in keeping with the street scene.

CONSULTATIONS

Engineers (Drainage)
 Engineering Services Manager
 Southern Water Planning
 Environment Agency
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No Objection. As this is a replacement dwelling and some betterments over the existing are proposed there are no objections to the proposal as submitted, provided an appropriate condition is imposed.

County Highways - No Objection. The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109).

Southern Water - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested condition has been included in the recommendation.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Within Gaps Between Settlements
 Biodiversity Opportunity Area
 No Public Sewer
 Flood Zone 3

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP3	SD SP3 Gaps Between Settlements
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ECCDM1	ECC DM1 Renewable Energy

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 relevant policies in the Climping Neighbourhood Plan have been taken into account.

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 although it is located in the countryside the development complies with other policies in the Plan in accordance with CSP1(f) of Arun Local Plan in that it represents a one for one replacement dwelling and it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 application site is situated outside the built up area within a rural location close to Climping Beach. However, it is also within an established residential area where the principle of development can be acceptable subject to compliance with relevant development plan policy.

VISUAL AMENITY AND CHARACTER OF THE AREA

The proposed roof alterations alter the shape of the building, but the ridge height of the property remains the same as the original property although due to the change in shape to provide a crown roof together with 6 large dormer additions the bulk of the building is increased.

The proposed dormers alter the original dormer windows on the rear elevation to provide 4 windows in total and two new dormers are created on the front elevation. The dormers are of similar size and shape except one to the rear which is larger to accommodate glazed doors. The dormers are well positioned in the proposed roof slope and do not appear as unduly dominant additions on the roof slope. The proposed changes would be visible from the lane and also surrounding properties.

The replacement dwelling alters the design, scale and bulk of the original property. However, the nearby properties are of varying design and size and include first floor accommodation, therefore an increase in bulk is not considered inappropriate in its streetscene context, particularly given the spacious plots and separation distances between properties. Further, although the site lies within a Gap between Settlements and the proposed replacement dwelling alters the visual prominence of the building from outside the site, it would not undermine the physical and/or visual separation of settlements, compromise the integrity of the gap and it cannot be located elsewhere. Given the comparable footprint with the existing dwelling it also maintains the character of the undeveloped coastline and therefore fully complies with the requirements of policy SD SP3 of Arun Local Plan.

Whilst the style of the resultant property is different to the original house it is not considered that its scale, bulk and detail is out of character or harmful with the wider area which has a mix of styles and sizes. The roof materials would match the existing property. The dwelling would have a similar, slightly reduced footprint and the same height as the original dwelling and does not impact on the visual amenities of the locality. The proposal does not impact on the protection of open views given that the footprint and height of the replacement dwelling are comparable with the existing. The design includes brick banding and quoin details which add visual interest to the elevations and the property includes mitigation for flood risk in accordance with policy DSP1 of Arun Local Plan and paragraph 124 of the National Planning Policy Framework which seeks to ensure good design which is a key aspect of sustainable development.

Arun's Design Guide SPD refers specifically to development in rural areas. It recognises that the Arun countryside contains a significantly higher proportion of detached, semi-detached and a lower proportion of terraced homes than the national average. Many of these have modern infilling, and it must be ensured that any future extensions or alterations are in keeping with the existing building and immediate environment. The proposal meets these criteria.

Therefore, whilst there are changes to the original property the proposed replacement dwelling is not harmful to the character and appearance of the street scene or wider area in accordance with policies D DM1 of Arun Local Plan and Policy CPN11 of Climping Neighbourhood Plan.

RESIDENTIAL AMENITY

With regard to amenity of adjoining properties the nearest properties would be those at Atherington Farm 15m to the south. There are no windows in the first floor side elevation facing these buildings. In addition, given the separation distance the proposal will not be unduly dominant upon them. Therefore, there is no adverse impact upon the amenity of the occupiers of these properties.

To the east and north the rear and side elevations of the proposed development overlook farmland. To the west there is 1 & 2 Atherington Cottages. It is noted that concerns have been raised regarding overlooking from the development. The proposed scheme does introduce two first floor dormer windows in the elevation facing these properties. Both serve landings and will provide new views towards the properties at Atherington Cottages. However, these would be acceptable given the separation distance: the application property is approximately 30m to the boundary of the site at its nearest point and the proposed dormer windows would be approximately 31m and 35m from the boundary. Given this separation distance, even in such a spacious rural location, a refusal on the basis of loss of privacy or loss of outlook could not be justified and sustained. In such circumstances it is also not considered reasonable to impose a condition requiring obscure glazing and that the windows be fixed shut.

Therefore, the proposed development will not lead to an unacceptable impact upon the amenity of adjoining occupiers.

FLOOD RISK

The site lies in an area at high risk of flooding, Flood Zone 3 and the application includes a Flood Risk

Assessment. The dwelling is a replacement of an existing and improves on the current flood risk. A sequential test has not been undertaken in this case. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. However, in this case the dwelling is being rebuilt and therefore the applicant could not reasonably be expected to re-locate on an alternative site hence a sequential test has not been undertaken. Climping beach is now in poor condition following recent storms. The Environment Agency have been unable to restore the beach to its previous condition and the frontage remains increasingly vulnerable to further damage and overtopping. The beach has a limited remaining life as a flood defence. However, as this is a replacement dwelling which represents an improvement on the original dwelling layout by removing downstairs bedrooms it represents a reduction in flood risk, provided the condition requested by the Environment Agency is imposed, which provides for mitigation in the form of finished floor levels being set no lower than 300mm above ground level and no sleeping accommodation being placed on the ground floor. The proposal therefore accords with policies CPN 12 of Climping Neighbourhood Plan and policies ECC SP1 and W DM2 of Arun Local Plan.

BIODIVERSITY

Development should seek to achieve a net gain in biodiversity in accordance with policy ENV DM5 of Arun Local Plan. No biodiversity gain is included within the proposal. This proposal does not increase the building footprint, works are nearing completion and it would be difficult to reasonably justify the inclusion of bat/bird boxes within the dwelling itself. However in accordance with policy ENV DM5 a condition is imposed to ensure 2 bird boxes and a hedgehog house and highway are provided in the garden.

CAR PARKING

There is ample parking space within the curtilage of the dwelling. Arun Parking Standards require 2 spaces and this demand can be met within the site. Policy TSP1 of Arun Local Plan requires new development to make provision for electric vehicle charging points. Although the dwelling represents a one for one replacement and reduces the number of bedrooms it is policy requirement that electric vehicle charging points are provided for all new dwellings. A condition requiring the installation of an electric vehicle charging point is therefore suggested.

CONCLUSIONS

In summary, the proposed development is not visually obtrusive or prominent to merit refusal of planning permission. The proposed development complies with adopted planning policy in the Arun Local Plan and the Climping Neighbourhood Plan. As such the proposed development 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 approved shall be carried out in accordance with the following approved plans:

Site Location : 518/19-sl01 revA
 Existing Location Plan, Block Plan& Photos 518/19-01 revA
 Existing Block Plan 518/19-10
 Existing Floor Plans &Section 518/19-04
 Existing Elevations 518/19-05
 Existing Site Sections 518/19-03
 Proposed Site Plan 518/19-06
 Proposed Block Plan 518/19-11
 Proposed Floor Plans &Section 518/19-08A
 Proposed Elevations 518/19-09
 Proposed Site Sections 518/19-07
 Topographical Survey 1.01

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

- 2 The development permitted by this planning permission shall only be carried out in accordance with the submitted flood risk assessment (submitted by STM environmental, dated 06/12/2019) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 300mm above ground level
- No sleeping accommodation shall be placed on the ground floor

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policies W SP1 and W DM2 of Arun Local Plan.

- 3 Within 3 months of completion of the development the following wildlife habitats and enhancements shall take place in accordance with details to be submitted to and approved by the Local Planning Authority:

- A bird box on the building/ and or a tree
- One hedgehog nesting box

- Incorporation of gaps at the bottom of the fences/gaps in walls to allow movement of small mammals across the site.

The boxes/gaps so approved shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of birds/wildlife in accordance with policy ENV DM5 of Arun Local Plan.

- 4 Within 3 months of the completion of the development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 5 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.

- 6 INFORMATIVE: The use of flood resistance and resilience measures is recommended. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, it is recommended you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

- 7 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an

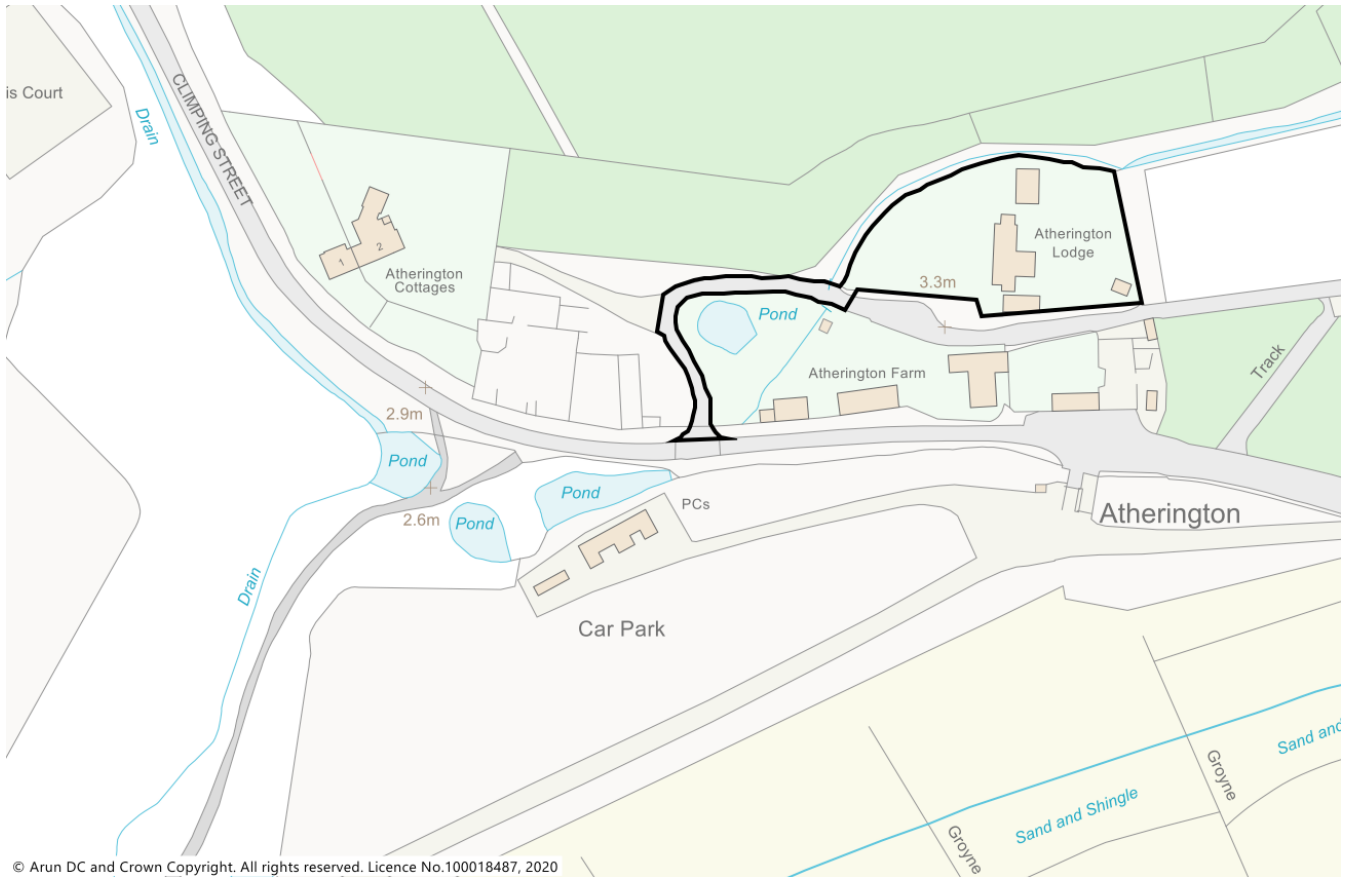
investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

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)

CM/65/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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