

PLANNING APPLICATION REPORT

**REF NO:** K/32/19/PL

**LOCATION:** Little Deerswood  
Gorse Avenue  
Kingston Gorse  
BN16 1SF

**PROPOSAL:** Demolition of existing dwelling and erection of 1 x three storey dwelling with swimming pool and associated amenity space and parking

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The proposal refers to demolition of the existing traditional style 2 storey dwelling and its replacement with a 6 bedroom 3 storey house of modern design. The footprint of the existing dwelling is being extended to the south and north.
SITE AREA	1180 sq m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and fencing to rear and side boundaries to approx. 2m height. To front 1m high walling.
SITE CHARACTERISTICS	Little Deerswood is a 2-storey house with painted brickwork and clay tiled pitched roofs with Sussex hips. It is set back from the road frontage with off road parking in front of the garage and dwelling. The existing property is attached to its neighbour to the east at ground floor level by their mutual garages. Greensward and beach to south.
CHARACTER OF LOCALITY	The character of the locality is residential in nature and consists primarily of large properties, in large plots set back from the road. The properties along Gorse Avenue are of various designs and styles.

<b>RELEVANT SITE HISTORY</b>
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K/7/19/PL	Demolition of existing dwelling and erection of one new dwelling - Resubmission of K/23/18/PL	Refused 09-08-19
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The previous application K/7/19/PL was refused for the following reason:

'The proposal would have an unneighbourly and overbearing impact on the enjoyment of the private amenity space of Spring Tide in conflict with policies D DM1 of the Arun Local Plan and policy

KPNP 7 of Kingston Neighbourhood Plan. This is due to the section of the proposal sited significantly forward of the front elevation of Spring Tide being of excessive height and length in close proximity to the boundary with that property.'

This application differs from that refused under reference K/7/19/PL as set out below:

- The first-floor element is reduced to correspond with the wall forming the south elevation of existing dwelling and is located 2.2 - 3m from the eastern boundary with Spring Tide.
- The footprint of the second floor is reduced so that it sits within the footprint of the existing house and 6m from the eastern boundary.
- The east elevation will vertically step away from the boundary minimising the impact on the neighbouring garden, particularly when assessed against the form and location of the existing dwelling.
- The windows on the side elevations at first floor will be obscure glazed and deeply recessed to avoid perceived overlooking.
- The balconies on the south elevation will be recessed with screen walls to one side precluding direct overlooking.
- The west wing has been reduced in height in proportion to the east wing.
- The building extends to the south at ground floor only.
- The overall footprint of the house is reduced to 315m<sup>2</sup> on a plot of 1180m<sup>2</sup>, which represents 26% of the site.

## **REPRESENTATIONS**

### **REPRESENTATIONS RECEIVED:**

Kingston Parish Council

Objection:

- Out of scale with the existing dwelling.
- By reason of its increase in scale, width, height, bulk and design the proposal will constitute overdevelopment of the site.
- The proposed development will overly dominate the street scene of Gorse Avenue and adversely affect the character and visual amenity of the area.
- The proposed development will overlook and be overbearing on the neighbouring property.
- Car parking is inadequate.

One No Objection:

- On the West elevation only the study is marked as opaque glass.
- The 3 Lounge windows should also be opaque given that it directly over looks the neighbouring property White Lodge.
- Request the pool house directly adjacent to White Lodge is noise insulated as it will be operating 24 hours a day.

### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The comments made by the Parish Council are addressed in the conclusions section of this report.

The windows at first floor level in the west side elevation are indicated to be opaque and will be conditioned to be obscure glazed and fixed shut.

Environmental Health have been consulted regarding noise from any pool plant equipment and as a precautionary measure a condition is suggested, in line with other cases, to ensure the noise emitted

from plant equipment is acceptable in terms of its impact on residential amenity.

## CONSULTATIONS

Engineering Services Manager  
Engineers (Drainage)  
Environmental Health

### CONSULTATION RESPONSES RECEIVED:

None.

### COMMENTS ON CONSULTATION RESPONSES:

None.

## POLICY CONTEXT

Designation applicable to site:  
Within built up area boundary

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM3	QE DM3 Air Pollution
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT

### 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 Kingston 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 it would have a no materially adverse impact upon the residential amenities of the neighbouring properties or visual amenity and the character of the 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 key policy considerations in the determination of this application are policies D DM1, D DM2, D DM3 and D SP1 of the Local Plan, Policy 7 of Kingston Neighbourhood Plan and the NPPF. The application seeks a replacement dwelling of increased footprint and height and of a significantly different design to the existing dwelling.

##### **DESIGN AND VISUAL AMENITY**

The existing dwelling is located within an area characterised by a mix of large detached properties, many of which overlook the foreshore to the south. The area lacks any one predominant architectural style or design. Indeed the Kingston Parish Design Statement refers to Gorse Avenue at paragraph 4.8 as an eclectic mix of old and new properties set in spacious plots that line the road. Recent approved applications for redevelopment on the foreshore side of Gorse Avenue have resulted in permission for a replacement dwelling of contemporary design at Spring Tide, to the east (K/11/16/PL & K/40/18/PL) and a new dwelling (K/4/14) at Dolphins (now Beach House) to the west.

The proposal is comparable to its immediate neighbours in terms of height. The proposed dwelling will have a maximum height of 9.1m similar to White Lodge to the west which has a ridge height of 8.8m and the existing dwelling at Spring Tide which has a ridge height of 8.4m and the replacement approved dwelling at Spring Tide which has a ridge height of 9m.

The proposed dwelling will extend further to the rear of the site than the existing dwelling by approx 6.3m on the eastern side of the dwelling and 2m on the western side of the rear elevation. However, in terms of footprint and massing the proposed dwelling is considered to reflect that of other properties in the locality and would not be out of keeping with the general appearance of the area.

Further, the site coverage has been reduced. The overall footprint of the house is reduced to approximately 25% of the site. The amount of development across the site is no longer considered excessive. The pool house and pool are detached structures of a size and position that means they are visually separate and do not contribute to the visual impression of built form within the site. The replacement dwelling is 26m from the southern boundary and 3m from the northern boundary.

The design results in a dwelling that is located an acceptable distance from both front and rear boundaries in keeping with the general pattern of development in the locality and the replacement dwelling would not appear overly dominant or prominent within the street scene from either the road or beach frontage.

Policy 7 of Kingston Neighbourhood Plan states that planning permission will normally be approved for development within the built-up area provided 1 (i) 'The design and location of the development should

be appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density..' and 1 (iii) 'It is in-scale with adjacent buildings, takes account of the ridgeline of existing structures and is of a size that does not dominate its surroundings or the wider Parish.' This proposal is appropriate and in keeping with the scale or massing of the adjoining properties and the area generally and the second floor is not overly bulky or obtrusive structure in the street scene and accords with Policy 7.

The Kingston Design Statement at para 7.10 states 'New development must be in scale with adjacent buildings, take account of the ridgeline of existing structures and be of a size that does not dominate the surroundings, or the wider Parish.' The proposal would not significantly increase the height of the ridge line which is not appreciably higher than that existing nor approved at Spring Tide or than that at White Lodge. The flat roof at second floor level would project across approximately half of the width of the site. Some second floor accommodation exists in the roof areas of adjacent dwellings. The second floor accommodation is 8m deep and 11m wide. It would not appear as a dominant roof form in the locality. The proposal is not out of scale with the plot or neighbouring dwellings.

The position of the dwelling on the plot in relation to the road frontage would not be significantly altered and would be in keeping with neighbouring properties. The existing gaps of 4m to the eastern side is reduced to 3m and to the west the building is currently located on the boundary and this is increased to 1.4m to the building. The position in relation to the distance to the rear boundary would also be similar to the dwelling White Lodge to the west. All of this will assist to maintain the spatial pattern and character of the locality.

The external walls are proposed to be constructed in reconstituted limestone. Further colour and texture will be added in sections of wall between glazing sections in pre-patinated zinc. The roof/fascia will be finished in natural zinc. The recessed 3rd floor is to be pre-patinated zinc creating a contrasting band. These proposed materials are comparable to those approved at Spring Tide and its modern flat roof design has been approved elsewhere adjacent to the greensward in Kingston. It is therefore not considered to result in development that is out of keeping with the immediate locality.

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 40 of the National Design Guide states 'Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.' The proposed design and form of the proposal would reflect the design of other replacement dwellings on the estate and improves on that currently the case at Little Deerswood.

Arun's supplementary Design Guide refers specifically to development in coastal areas. It recognises that built form and massing varies considerably throughout the coastal areas and that there are also high numbers of detached and semi-detached housing, of one to two storeys, and more recent developments of high density flats of more than two storeys. It suggests that new development must respect the existing built environment of the coastal towns, providing a variety of housing types to meet local needs. The proposal meets these criteria.

The proposal is considered to be of an appropriate design and would be sympathetic to the scale of housing within the locality in compliance with policies D SP1 and D DM1 (1 & 2) of Arun Local Plan and Policy 7 (i) and (iii) of the Kingston Neighbourhood Plan which require development to reflect the characteristics of the site and local area in terms of scale, massing and appearance.

#### RESIDENTIAL AMENITY

The existing dwelling is located roughly in line with the adjacent dwelling to the west in relation to the distance from the site frontage. A gap of 16m is currently provided. The dwelling to the east, Spring Tide,

is uncharacteristically located approximately 44m from the site frontage. There is an extant permission to redevelop the adjacent site and re position the dwelling closer to the site frontage. However this application has not been implemented and the current application therefore needs to be considered in relation to the position of the dwelling as it presently exists.

At ground floor level the proposed dwelling would be approximately 3m from the eastern boundary and would extend for a length of 18.6m at a height of 3m. At first floor level again on the east boundary a 16m length is proposed at a height of 6.3m. On the second floor along this boundary, set away by 5.4m from the boundary, a length of 7m is proposed at a height of 9m.

The amount of combined first and second floor height at this proximity to the east boundary is acceptable in terms of residential amenity given the 13m distance gap between the rear elevation of the proposal and the front elevation of Spring Tide. This distance has increased following the previous refusal and is no longer considered to be materially adverse overbearing on the main private amenity areas serving Spring Tide.

The proposed dwelling does not feature any windows on the eastern or western elevation which would give rise to additional unacceptable overlooking of the adjoining properties. The windows in the east elevation are high level and opaque glazed. However the opaque glazing could be conditioned to be obscure glazed and fixed shut. Those in the west elevation are also indicated to be opaque glazed and could also be conditioned to be obscure glazed and fixed shut to prevent a material loss of privacy to the adjacent dwellings.

The dwelling features first and second floor balconies on the rear elevation of the property. Based on the siting of existing dwellings, the sides of the balconies could have the potential to result in direct overlooking of adjacent gardens, but they are full height and solid. The balconies are effectively recessed where they are adjacent to adjoining properties. The eastern side of the second floor balcony is 22m from the eastern boundary which is an adequate distance to prevent any materially adverse overlooking resulting to the adjacent dwelling.

In respect of White Lodge there is a greater separation than currently exists. It is considered this relationship is acceptable and is sufficient to ensure that the proposal does not give rise to any unacceptably adverse overbearing or overshadowing impacts upon the neighbours.

The dwelling has a gross internal floor area of approximately 440 cubic m which exceeds that specified within the Nationally Described Space Standards for a 3 storey 6 bed house by almost 300 sq.m.

The pool is located 2.8m from the western side boundary and 12m from the property to the east. Boundary screening is indicated to the western site boundary. The adjoining property to the west has a rear garden depth exceeding 25m. Noise would be generated from the use of the pool, but this would be comparable with the noise generated from recreational use of the garden.

Noise from the swimming pool is controlled by condition which would limit any noise levels from machinery used to be kept to daytime hours only. This element of the proposal would therefore accord with policy D DM1 of Arun Local Plan.

Given the unacceptable impact on residential amenity the proposal would not comply with Arun Local Plan policy D DM1 (3) or Policy 7 1 (iv) of the Kingston Neighbourhood Plan.

#### **CAR PARKING**

According to Arun's recently adopted car parking standards the proposal generates a car parking demand of 3 spaces and a cycle parking demand of 2 spaces. Bicycles could be stored within the

garages provided and the 6 spaces within the scheme exceed the parking requirements. In accordance with policy TSP1 it is suggested that a condition requiring provision of a car charging point is imposed.

#### **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 replaces an existing dwelling 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 .

#### **SUMMARY**

The proposed new dwelling is considered to conflict with policy D M1 of Arun Local Plan and Policy 7 of the Kingston Neighbourhood Plan.

### **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:

Location Plan SK 02  
Block Plan SK25  
Basement Plan SK128  
Ground Floor Plan SK121  
First Floor Plan SK122  
Second Floor Plan SK123  
North Elevation SK124A  
East Elevation SK125  
South Elevation SK126  
West Elevation SK127  
Street Elevation SK129  
Site Analysis SK03A  
Site and Block Plan as Proposed SK120

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.

- 3 The first floor windows on the east and west elevations of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy DDM1 of the Arun Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor or above in the east or west elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of Arun Local Plan.

- 5 Prior to occupation 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 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.

- 6 Hours of operation of the machinery associated with the use of the pool shall be limited to between 08:00 and 20:00 hours daily.

Reason: In order to protect the residential amenities of adjoining properties in accordance with policies D DM1 and QE DM1 of Arun Local Plan.

- 7 Prior to occupation of the dwelling, 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.

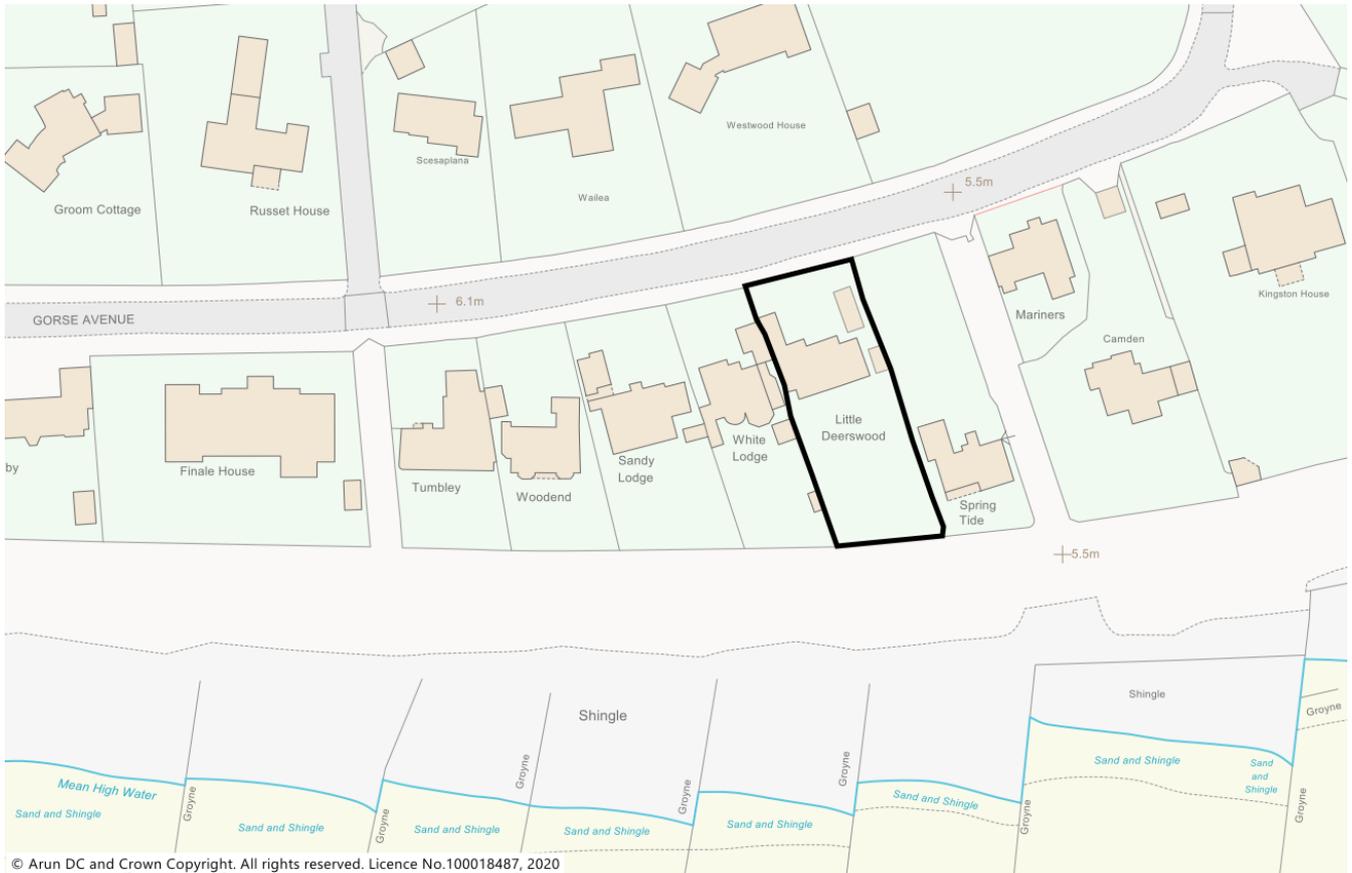
Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning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

- 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.

<b>BACKGROUND PAPERS</b>
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[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)

**K/32/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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