

PLANNING APPLICATION REPORT

REF NO: R/268/19/PL

LOCATION: 6 Manor Road  
Rustington  
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The application is for a detached 4 bedroom chalet style bungalow located within the rear garden of 6 Grafton Close. The proposed dwelling has been designed as chalet bungalow with first floor residential accommodation contained within the roof space.</p> <p>The proposal includes a double garage measuring 8.2m by 6.2m with a pitched roof with a ridge height of 4.22m and access to the side of the existing dwelling.</p> <p>The proposed dwelling has a width of 13m, depth of 11m and ridge height of 6m. The garage and dwelling would be constructed of white rendered elevations with a grey plinth and grey slate roofs.</p>
SITE AREA	1323 sq. m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	76 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fencing to approx. 1.8m height. Hedging to rear to approx. 5m.
SITE CHARACTERISTICS	The application site comprises private amenity space associated with an existing single storey of accommodation bungalow and would involve the removal of the existing garden shed in the corner of the rear garden and the demolition of an attached garage to create a vehicular access to the side of the host property.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and is characterised by detached and semi-detached single storey of accommodation bungalows and two storey houses. At the entrance to Grafton Close the bungalows have limited curtilages.

**RELEVANT SITE HISTORY**

R/72/19/PL	Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.	Refused 06-09-19
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This application follows refusal of R/72/19/PL for two chalet style bungalows on the site, which is currently at appeal. The application was refused for the following reason:

"The site by virtue of its size and shape, is considered unsuitable to accommodate 2 dwellings and private amenity space satisfactorily without damaging residential amenity. The proposal is contrived in design and would result in a form of development which would be detrimental to the residential amenities of future occupiers, contrary to policy D DM1(3) and D SP1 of the Arun Local Plan."

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

Objection:

- The proposal would have an adverse effect on the visual amenities and quiet enjoyment of the neighbouring properties.
- This type of back-land development would make it increasingly more difficult for the Local Planning Authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area.

Eight Objections:

- Proposal will have an unneighbourly impact.
- Overdevelopment of the site.
- Increased traffic will harm amenity and safety.
- Slow worms, dormice and field mice have been noted in adjoining garden. Proper surveys should be undertaken.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The proposal does not represent an overdevelopment of the site. The plot sizes are readily comparable with adjoining properties in Grafton Close.

The proposed dwelling is a sufficient distance from neighbouring properties to have no adverse impact on residential amenity. The rear of the properties to the south (namely 5 and 6 Laburnum Walk) are 20m away and those to the west in Old Manor Road are at least 30m away.

The garage is 1m from the side boundaries of 1 and 2 Grafton Close. The height of the garage roof has been reduced by 0.9m to 4.22m. A distance of 9m is provided between the garage and the rear of 1 Grafton Close at its closest point.

Given the distance to boundaries no materially adverse overlooking would result.

The access driveway is wide enough to accommodate provision of acoustic fencing at the entrance.

A Preliminary Ecology Report has been submitted.

**CONSULTATIONS**

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

**CONSULTATION RESPONSES RECEIVED:**

County Highway - 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 in conflict with paragraph 90 of the National Planning Policy Framework.

Southern Water - No Objection.

Drainage Engineer - No Objection.

Ecology Officer - No Objection. Enhancements requested by way of condition.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:  
Within the Built Up Area Boundary

**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
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
QEDM3	QE DM3 Air Pollution
SDSP2	SD SP2 Built-up Area Boundary
ENVDM5	ENV DM5 Development and biodiversity

[Rustington Neighbourhood Plan 2014 Policy 2](#)      Housing Design

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
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**SUPPLEMENTARY POLICY 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 Rustington Neighbourhood Plan has been made and Policy 2 'Housing Design' is considered to be relevant to the determination of this application.

**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 result in development which is out of character with the established pattern and character of the area and would provide adequate standard of residential amenity for future occupiers of the site and neighbouring properties.

**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**

The development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Development Plan.

Policy D DM1 of the Arun Local Plan sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public art, Density and Scale.

Policy DSP1 of the Arun Local Plan sets out that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

**DESIGN AND VISUAL AMENITY**

The proposed dwelling will have an adequate rear garden depth of 10.5 m and measures approximately 133 sqm. Garden areas are also identified to the front and sides of the proposed dwelling. 165 sqm is retained as rear garden for the existing property which would be adequate to serve the bungalow.

The plot is considered to be of a reasonable size being readily comparable with other properties along Manor Road. Adjacent properties in Grafton Close and Campbell Road, to the rear, are considerably smaller in size with some properties having only approximately 38.25 sqm for rear garden space (5 Grafton Close). The proposed dwelling is situated off an access driveway, which is located to the side of the existing residential development, and as such would not have a significant presence within the street scene of Manor Road.

The type of dwelling reflects the height and footprint of adjacent properties which comprise bungalows in Grafton Close and 2 storey dwellings to the rear. The siting, design and materials are considered to have an acceptable impact upon the established character and pattern of development within the locality of the site in compliance with policies D SP1 and D DM1 (1) of the Arun Local Plan and Policy 2 of Rustington Neighbourhood Plan.

The dwelling would be located in line with 2, 3 and 4 Grafton Close with materials on the elevations which comprise white render on both the garage and house and as such would reflect those on number 9 Manor Road. The proposed materials for the roof are grey colour which would be acceptable in a residential area such as this.

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.' Paragraph 41 advises that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal. The proposed design, layout, plot size and form of the proposal would reflect the design and plot size of other dwellings in the area. The adjacent Close is dominated by single storey built form but other properties in Manor Road are 2 storey. This chalet style development reflects this grain of development. The proposal meets the above criteria.

#### RESIDENTIAL AMENITY

The front elevation of the proposed dwelling has one large first floor window, serving a bedroom, facing the rear of the existing property on the site where there are a number of windows. The separating distances between the two properties is acceptable to prevent any adverse overlooking being in excess of 20m. In so far as overlooking of the retained garden to number 6 this is also acceptable due to the distance involved 12.5 metres and the fact that the window is positioned to the side of the first floor of the proposed dwelling thereby not providing direct overlooking to the whole of the significantly wide rear garden of number 6. This also applies to the rear gardens of 4 Manor Road and Old Manor Road where the overlooking will be oblique and acceptable. The distance to properties to the rear in Laburnum Walk is 20m which is also acceptable.

Whilst there is only 4.37m between the side elevation of the new dwelling and 2 Grafton Close the proposal is not considered to have any materially adverse overshadowing or overbearing effects as the property has a pitch that runs approximately in line with the proposal at a height of 6m. The proposed is to have a ridge height of 6m which is 0.85m above that of the existing dwelling at 2 Grafton Close thus not resulting in any materially adverse overbearing impacts.

The proposal allows provision for private amenity space, the garden depths for the existing and proposed dwellings are at least 10 metres and given the overall garden sizes the proposed spaces of 133 square metres and 165 square metres are considered acceptable.

The Council is applying Nationally Described Space Standards (NDSS). The proposed property provides approximately 160m<sup>2</sup> Gross Internal Area each over two floors which exceeds the minimum required space standards for an 8-person 4 bed 2 storey property and would therefore accord with Policy D DM1 (1).

The proposal includes the addition of a detached garage to the front of the new dwellinghouse. This garage measures 6.2m in depth with a proposed width of 8.2m. The garage is to accommodate two cars and be used as a bicycle store. The proposed height of the garage is 4.22m at pitch height with an eaves height of 2.1m. The garage is set 9m from the closest point of 1 Grafton Close. This is considered an acceptable distance that would not cause overbearing and the garage itself will reduce the impact the general noise from cars on the neighbouring properties. Due to the scale, location and design the garage is not considered to cause any unacceptable levels of over shadowing, overbearing or overlooking as such the garage complies with the relevant policies in D DM1 and DSP1 of the Arun Local Plan.

The use of the access to serve the new dwelling, which would be adjacent to the boundary with Manor Road, would result in noise and disturbance from vehicle movements associated with the development which would have an effect on the residential amenities of the occupiers of the adjacent dwelling. This access is 4.4m wide and the applicant is proposing to provide acoustic fencing on the boundary. The amount of traffic and activity proposed would reflect that associated with a single dwelling. Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - which seeks to prevent unacceptable noise and disturbance." and policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential amenity,

It is necessary to consider whether the intensification and extension of the access driveway would be harmful to the amenity of 4 Manor Road to the west and the host dwelling. It is accepted that there is already access down part of the side of no 6 to the garage and that no 6 also has a driveway and garage on the side. The proposal will extend the driveway past the two existing houses and result in new vehicle movements to and from the new house including by delivery vehicles. The driveway is proposed to be 4.4m wide where it passes between no 6 and the fence to no 4.

This would give 1m space to either side of the access for new acoustic fencing to be erected on both sides of the driveway which would reduce any disturbance by way of noise to an acceptable level. This will be secured by way of proposed condition 5.

A recent appeal decision in Bersted BE/102/18/PL for a single dwelling to the rear of the host property with access to the rear similarly located to that proposed was dismissed on 20-09-2019 on the basis that in the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it had not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of adjoining properties and the proposal would not accord with policies D DM1 and QE SP1.

The access width in the appeal case was 2.7m. In addition, the side elevations of both the host dwelling and the neighbouring dwelling included windows. That would not be the case with the proposals for No.6 where the garage would be removed the doorway to the kitchen would be bricked up, and the kitchen and lounge would be served by front and rear facing existing windows respectively. The Bersted case provided a driveway width of just 2.74m between the side boundaries (in this case it is 4.4m). The Inspector noted that this would allow "around 0.5m space for landscape planting. I am not satisfied that there is room to provide planting and/or acoustic fencing would adequately mitigate the harmful impact of engine noise and car lights on that property".

## HIGHWAY AND PARKING CONSIDERATIONS

The addition of a single 4 bedroom dwelling would not result in a significant increase in the amount of traffic created in the area and would not have a 'severe' impact upon the operation of the highway network. The proposal incorporates a detached garage with two parking spaces. The proposal would generate a parking demand of 2 spaces and such provision meets the recently adopted Arun parking standards for a 4 bedroom dwelling in this location. One cycle parking space would also be required which could take place within the garage. It is suggested that a condition requiring provision of a car charging point is imposed in accordance with the requirements of policy TSP1 of Arun Local Plan.

#### **IMPACT ON WILDLIFE**

The site does not fall within or is adjacent to any designated sites of biodiversity or geological importance. The application includes a Preliminary Ecology Report which identified that no Protected Species were present on the site and the garden area has been cleared of most vegetation.

On this basis the development will not lead to any significant impacts on these protected sites or surrounding habitats. The submitted ecology report includes mitigation for wildlife in the form of provision of bat and bird boxes and additional mitigation will also be requested by way of a condition.

Policy ENV DM5 (Development and biodiversity) requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The following recommendations within the submitted report aim to enhance the biodiversity on site post development:

- New roosting opportunities created by integrating bat boxes/tubes in the new dwelling
- New tree, shrub and herb planting including native species of value to wildlife.
- Green walls created using trellis on new and existing fences and on the side of new buildings
- Where possible, fencing adapted to be made hedgehog-friendly on site by creating a hole at the base.

This range of ecological enhancements is conditioned to provide a net gain in biodiversity post-development in line with local plan policy ENV DM5.

#### **SUMMARY**

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

A revised layout plan has been submitted indicating acoustic fencing and landscaping along the site access. The plans have been subject to notification of the Parish Council and the advertising for this expires on 10-03-2020. Delegated authority is sought for the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson to issue the decision following expiring of the advertising period.

<b>HUMAN RIGHTS ACT</b>
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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:

- DS/6MANOR/07rev1
- DS/6MANOR/05 Rev 1
- DS/MANOR6/03
- DS/6MANOR/08
- DS/6MANORNEW/04/REV1
- DS/6MANOR/09

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 use of the car parking spaces shall not commence until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority and no part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan DS/6MANOR/07rev1. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space In the interests of road safety for the use in compliance with policy TSP1 of Arun Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the west or east elevation of the dwelling without the prior permission of the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1, D DM4 of Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place until details of acoustic fencing to the side boundaries of the access have been submitted to and approved



by the Local Planning Authority and the new dwelling shall not be occupied until the approved acoustic fencing has been erected. The fencing shall be retained in perpetuity.

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

- 6 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.

- 7 No part of the development shall be occupied until the ecological enhancements identified in the Preliminary Ecology Report together with additional enhancements have been provided on site in accordance with details to be submitted to and approved by the Local Planning Authority. The additional enhancements comprise:

- Filling any gaps in tree lines or hedgerows with native species.
- Log piles onsite.
- Two hedgehog nesting boxes included on the site.

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

- 8 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.

- 9 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

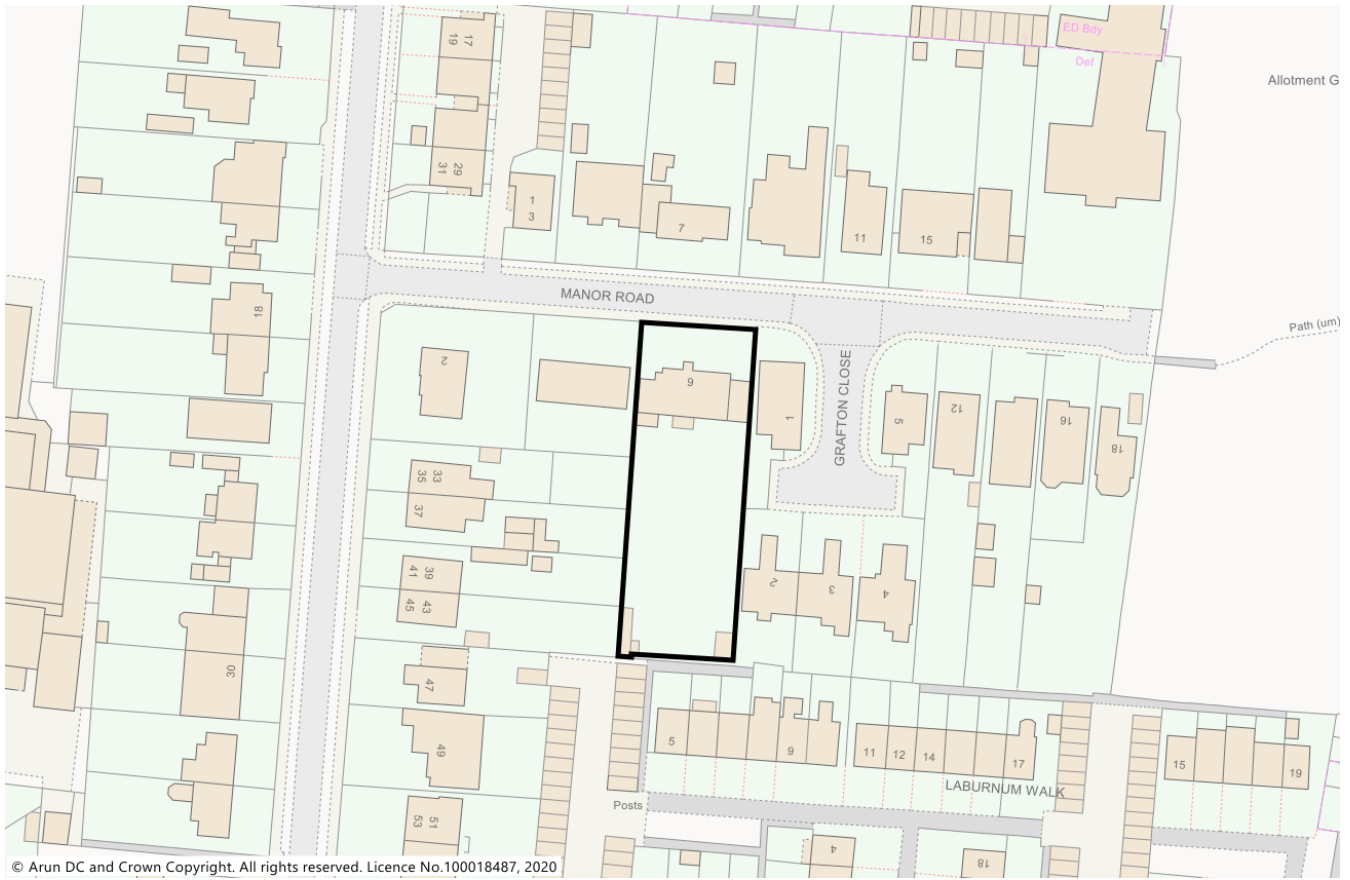
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

- 10      **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)

**R/268/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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