

PLANNING APPLICATION REPORT

REF NO: R/91/20/PL

LOCATION: 6 Manor Road
Rustington
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & erection of 1 No detached bungalow to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application proposes the erection of 1 x 3 no. bedroom bungalow, to be positioned to the rear of No. 6 Manor Road, following the demolition of an existing garage & store to the existing dwelling, It would have a ridge height of 5.2m, width of 13m and length of 14m.</p> <p>Materials proposed are white timber effect cladding to the gable feature, with stock bricks to the elevations. The roof would comprise grey slates tiles.</p> <p>The existing westerly crossover would be modified and slightly repositioned. The proposed access would be provided along the western boundary, leading to a turning/ parking area for the proposed dwelling. Acoustic fencing to the boundaries of the new plot adjoining the driveway and parking area in addition to new planting/buffers are to be provided. There would be ample space for at least 2 cars to park in front of the new bungalow.</p> <p>An area of private residential garden is proposed to the rear of the site measuring 194 sqm. The host dwelling would be retained with a rear garden of 165sqm.</p>
SITE AREA	0.13 hectares
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance 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 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 bungalows and two storey houses. At the entrance to Grafton Close the bungalows have limited curtilages.

RELEVANT SITE HISTORY

R/268/19/PL 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). Refused
12-03-20

R/72/19/PL Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden. Refused
06-09-19
**Appeal: Dismissed
17-04-20**

R/268/19/PL related to a detached 4 bedroom chalet style bungalow. The proposed dwelling was designed as a chalet bungalow with first floor residential accommodation contained within the roof space. The application included 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.

The application was refused at development control committee for the following reason:
"The proposal will not result in a form of development that will enhance the quality of the environment contrary to policy QE SP1 of the Arun Local Plan."

This decision is now the subject of a current Planning Appeal which is under consideration by the Planning Inspectorate.

This application seeks to address this reason for refusal by reducing the scale and height of the dwelling by providing a more traditional style bungalow with no first floor accommodation. The detached garage has been deleted.

REPRESENTATIONS

Rustington Parish Council - Objection

- The proposal would have an adverse effect on the visual amenities and quiet enjoyment of the neighbouring properties.
- Would set a precedent.

15 Objections(including 9 standard letters)

- Overdevelopment of the site which could set a precedent.
- Adversely affects residential amenity.
- Another similar application has been refused on appeal.
- The proposed development does not take into account the already limited on-street parking in Manor Rd and could compromise the access of emergency vehicles.
- If this proposal to build at single storey level is approved at a later date permission might be granted to extend upwards resulting in a serious loss of privacy to neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed dwelling is a sufficient distance from neighbouring properties to have no adverse impact on residential amenity and there would be no adverse impact on character or visual amenity. The addition of windows in the roof which could adversely impact on neighbouring residential amenity are proposed to be controlled by condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Due to the scale, location and type of application no conditions are requested. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Ecology Officer - No Objection. Enhancements requested.

County Highways - Awaited.

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
QESP1	QE SP1 Quality of the Environment

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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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 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.

The recent Inspector's decision in relation to application R/72/19/PL for 2 dwellings to the rear of 6 Manor Close refers to the provision of adequate rear amenity space to serve 2 dwellings and that the design reflected the mixed design and form of the wider area.

DESIGN AND VISUAL AMENITY

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 polices 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 timber effect cladding and a grey slate roof 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 reduced scale and height of the proposed bungalow (previously chalet style), and the more traditional appearance, combine to ensure that this development will be discrete and sensitive to the local environment. It will be barely perceived from any public viewpoint, with existing development and boundary treatments ensuring that there will be no impact on the streetscene.

This application proposal would appear wholly in keeping with neighbouring development and would not detract from the established character and appearance of the surrounding area. The proposal will result in a form of development which will contribute positively to the quality of the environment in compliance with policy QE SP1 of the Arun Local Plan.

The proposed dwelling will have a rear garden depth of 9m which is below the standard 10m referred to in the emerging Arun Design Guide, but is reflective of other garden depths in the locality and is therefore considered acceptable. The area of the garden measures approximately 194 sqm. Garden areas are also identified to the front and sides of the proposed dwelling. 164 sqm is retained as rear garden for the existing property which would be adequate to serve the bungalow. Paragraph 8 of the Inspector's decision for R/72/19/PL for 2 dwellings to the rear states "the dwellings would provide adequate amenity space to the rear for future occupants."

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 proposed single dwelling is located to the rear of the site, behind the host dwelling and away from neighbouring boundaries. The separation distance between the proposed property and the side boundaries would be 3.4m to the west and 3.5m to the east. A 9m rear garden depth is provided. The separation distance to the rear elevation of No.6 to the front of the site is 22m. All first floor accommodation is now omitted.

As per the previous application, this proposal involves the creation of a new driveway along the western boundary. The provision of the driveway was not specifically referred to in the reason for refusal and as

such was considered acceptable when the previous application for an additional dwelling was considered.

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.

The properties which would be impacted most by intensification and extension of the access driveway are 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 allow 1m space to the host dwelling and 0.7m to the other side boundary with 4 Manor Road for new acoustic fencing to be erected and verge planting 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 6.

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".

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 and at a height of 5.2m (0.8m lower than the previous application). The proposed bungalow is to have a ridge height which is comparable with that of the existing dwelling at 2 Grafton Close thus not resulting in any materially adverse overbearing impacts.

The Council is applying the Technical housing standards - nationally described space standard. The proposals would provide a bungalow with a gross internal floor area of 132.47sqm. The standard for a 3-bed/6 person single storey dwelling is 95 sqm. The proposed development would therefore be fully compliant with Policy D DM1(1) of the Arun Local Plan and guidance set out within the Government's

'Technical Housing Standards'.

This proposal does not include the addition of a detached garage to the front of the new dwellinghouse. This has been omitted to provide more space around the development and separate cycle storage is now provided on the western side boundary. The proposal allows provision for private amenity space, the garden depth for the existing dwelling is 10m and for the proposed is 9m. This is below the 10.5m distance referred to in Arun Design Guide, but given the overall garden size is considered acceptable. The garden area of the proposed dwelling has increased from 133 sqm (R/268/19/PL) to 194 sq m and the host dwelling garden size remains unaltered at 165 square metres.

Due to the scale, location and design of the dwelling it is not considered to cause any unacceptable levels of over shadowing, overbearing or overlooking and as such it complies with the relevant policies in D DM1 and DSP1 of the Arun Local Plan.

HIGHWAY AND PARKING CONSIDERATIONS

The addition of a single 3 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 cycle parking and 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 3 bedroom dwelling in this location. One cycle parking space would also be required which would take place within the area indicated on the site plan. It is suggested that a condition requiring provision of a car charging point is imposed in accordance with the requirements of policy T SP1 of Arun Local Plan.

The plans are no different (in terms of the access and parking arrangements for the existing property) to that considered and accepted by the Highway Authority with the previous application. The parking for the existing house is shown on the proposed site plans (1:200 scale) for both schemes, and this is within the red line as confirmed by the submitted Location (1:1250) and Block Plans (1:500). The access to the new bungalow is being slightly repositioned from the existing (again this was shown on the previous application), and this is as annotated on the site plan (1:200), so as to provide the visibility splay required by the Highways Authority. This did not form a reason for refusal with regard to the previous refusal on the site R/268/18/PL.

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 notes that the garden area has been cleared of most vegetation.

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 report aim to enhance the biodiversity on site post development to provide a net gain in biodiversity in line with this policy:

- 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.

To ensure biodiversity gain in accordance with policy ENV DM5 the suggested mitigation is suggested to be controlled by way of imposition of a condition.

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.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

The site lies in CIL Zone 4. The 1 new dwelling is CIL Liable providing 57.94 sqm net gross internal floor space.

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 DS/6MANORNEW/06
- Block DS/6MANORNEW/07
- Proposed Street Scene
- Existing Elevations

- Existing Floor Plans
- DS/MANOR6NEW/03 Proposed Elevations and Floor Plan
- Proposed Site Plan

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 the approved site plan and no part of the development shall be first occupied until the car parking and vehicle turning areas have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space In the interests of road safety for the use in compliance with policy T SP1 of Arun Local Plan.

- 4 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Manor Road in accordance with the approved plans. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in compliance with policy T SP1 of Arun Local Plan.

- 5 No windows shall be constructed within the south elevation of the roof at first floor level 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.

- 6 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.

- 7 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.

- 8 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
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

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

- 9 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), T SP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 11 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/>

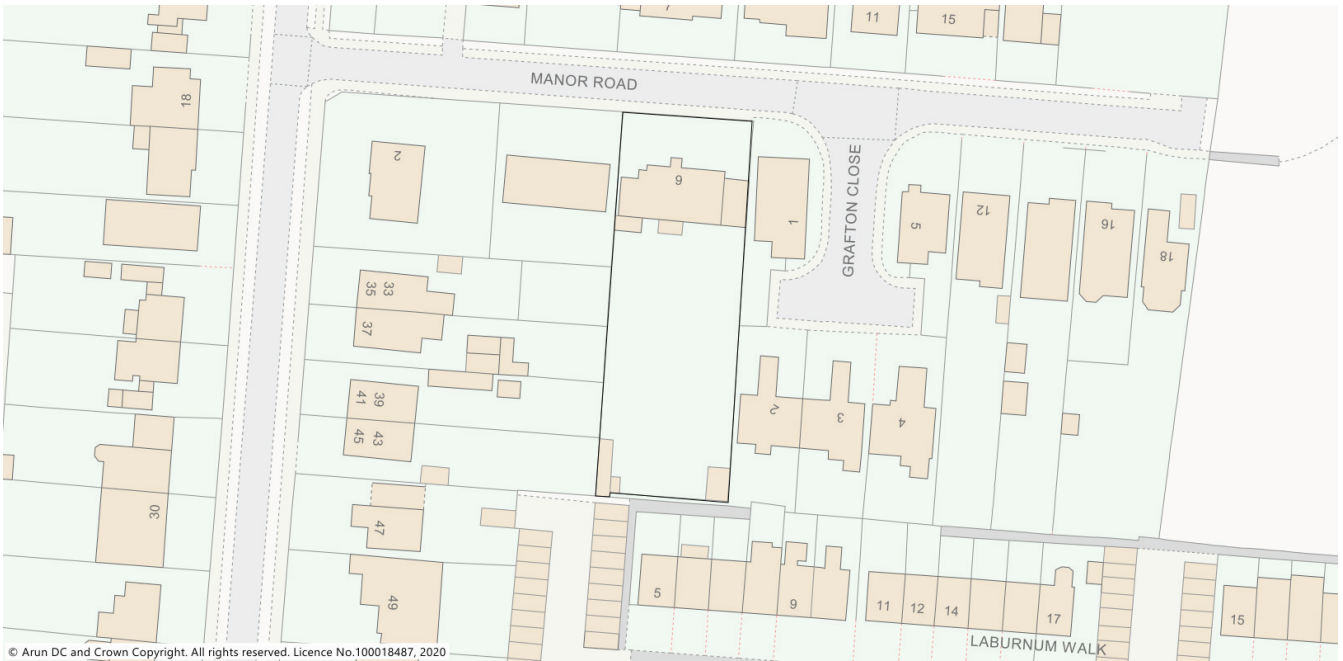
- 12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.

- 13 INFORMATIVE: The dwelling is a minimum of 50 metres away from Manor Road. Vehicular access for fire appliances should be available within 45m of the furthest point of each dwelling. The applicant is advised that they may need to demonstrate that a fire appliance can access, operate and turn on site in an emergency in order to meet building regulations; mitigation measures such as sprinklers may need to be installed should this not be achievable.

R/91/20/PL

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](#).

R/91/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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