

PLANNING APPLICATION REPORT

REF NO: R/92/20/PL

LOCATION: 6 Manor Road  
Rustington  
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & erection of 2 No detached bungalows to rear.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The application seeks permission for the erection of 2 x 2 bedroom, detached bungalows on land to the rear of 6 Manor Road, following demolition of a garage and store. They have a floor area of 11.4m by 7.6m and a ridge height of 5.1m.</p> <p>Materials are brick plinth with render finish above to the elevations. The roofs comprise grey slates tiles.</p> <p>The existing westerly crossover would be modified and slightly repositioned. The 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 space for at least 2 cars to park in front of each new bungalow.</p> <p>An area of private residential garden is proposed to the rear of the dwellings measuring 82 sqm. The host dwelling would be retained with a rear garden of 165sqm.</p>
SITE AREA	1323 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	76 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Fencing to approx. 1.8m height. Hedging to rear to approx. 5m.
SITE CHARACTERISTICS	The site consists of private amenity space associated with a residential property and would involve the removal of the garden shed in the corner of the rear garden and the demolition of a garage to the side of the dwelling 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 mainly detached and semi-detached bungalows. At the entrance to Grafton Close the bungalows

have limited curtilages.

## RELEVANT SITE HISTORY

R/91/20/PL	Demolition of existing garage & store on existing dwelling & erection of 1 No detached bungalow to rear.	
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 <b>Appeal: Dismissed</b> 17-04-20

## REPRESENTATIONS

Rustington Parish Council - Objection

- Adverse effect on the visual amenities and quiet enjoyment of neighbouring properties.
- Over-development of the site.
- Conflict with Policy 2 of Rustington Neighbourhood Plan.
- Would compromise highway safety.
- Would set a precedent.

17 Objections (Including 9 standard)

- 2 dwellings have been refused at appeal. This proposal doesn't address the issues identified.
- Conflict with Arun Local Plan in respect of sustainability, privacy & enjoyment of existing residents.
- Detrimental impact on the immediate area & existing residents.
- Does not take into account that Manor Road, a busy narrow road, already has limited on-street parking for residents and additional traffic crossing the pavement is a hazard for any pedestrian.
- Unacceptable precedent.
- Conflict with the Rustington Neighbourhood Plan Policy 2 Housing Design.
- Would set a precedent.
- Emergency access to care home would be obstructed.
- Concerned about the noise and possible pollution from demolition of garage and during building with deliveries of materials.
- Acoustic fencing should be installed prior to commencement of development not occupation.
- Adverse impact of vibrations from building work on adjoining houses.
- Extensions in the roof area should be restricted by condition.

## COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal would not adversely compromise highway and parking provision is up to standard. Noise and disturbance, access for emergency vehicles, issues of vibration could either be adequately addressed by suitably worded conditions or could be more appropriately dealt with by other legislation.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Greenspace Officer - Awaited.

County Highways - Awaited.

Drainage Engineer - No Objection. Conditions suggested.

Ecology Officer - Awaited.

### COMMENTS ON CONSULTATION RESPONSES:

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
SDSP2	SD SP2 Built-up Area Boundary

[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 Neighbourhood Development Plan

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 conflict with relevant Development Plan policies in that it would result in dwellings which would adversely affect the character and spatial pattern of development in the locality.

## 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 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 D SP1 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. Development proposals should have been derived from a thorough site analysis and context appraisal.

Policy QE SP1 of the Arun Local Plan sets out that all development should contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents to the District.

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 (R/72/19/PL) for 2 dwellings raised the following issues;

- Dwellings extremely close to each other
- Poor living environment for future occupants because of obscure glazed bedroom windows
- If first floor windows were not obscure glazed, inadequate amenity of rear gardens would result
- Design acceptable
- Adequate amenity space
- Area suitable for residential development in principle

Following refusal of the previous scheme the dwellings have been reduced in height, first floor

accommodation deleted, a more traditional design incorporated and the layout amended to provide more space around the dwellings.

#### DESIGN AND VISUAL AMENITY

The bungalows would be located to the rear of the site. When compared with the previous scheme for 2 houses, the application proposes increased separation distances to side boundaries, and slightly between the two new bungalows. The result is a slightly better relationship with neighbouring properties but not a significant increase in the perception of space. Given the size, shape and position of the application site the proposals still do not reflect the spatial layout and established character of the locality as required by policies D SP1 and D DM1 of the Local Plan. For the reasons set out below the changes made are not considered to overcome the harm identified by the appeal Inspector.

The distance to the rear boundary from the dwellings has been reduced by this proposal. The dwellings are situated off the access road, behind existing residential development. This form of development was noted by the Inspector, but was not a reason for the appeal being dismissed. However, the structures by virtue of the layout and site coverage would introduce residential development in a form which is out of character.

The appeal Inspector for R/19/PL commented:

"The dwellings would be sited extremely close to each other and the boundaries of the site, essentially filling the entire width with built form."

The proposal has not been sufficiently amended to address this concern. The dwellings still have limited space around and between them and most of the width of the site is occupied by built form as it was in the previous scheme. All the accommodation is provided at ground floor which has meant that the footprint of the dwellings is little altered. It is considered that given the shape and size of the plot the proposed development is cramped and does not integrate successfully in terms of layout with existing residential development. It lacks adequate recognition of site context and reflection of the character of surrounding development in conflict with policies D DM(1) and D SP1 of Arun Local Plan.

The dwellings each have 2 parking spaces and a rear garden depth of 7.8m. Rear garden areas measure approximately 82 sqm. A small garden area is identified to the front of the dwellings. 165sqm is retained as rear garden for the existing property which would be adequate to serve the bungalow.

Although plot sizes are relatively small, by virtue of the plot size of adjacent properties in Grafton Close and Campbell Road, to the rear, the sizes would be readily comparable with those adjoining the site to the east and south. Although 1 Grafton Close has a very limited rear garden area and the rear garden areas for the plots exceed this size the appeal Inspector noted: "The dwellings would provide a larger area for residential amenity than the existing dwellings within Grafton Close. However, those properties have direct street frontage which increases the level of space around them generally, this is in contrast to the proposal before me which I have considered on its own merits."

The type of dwelling is compatible with those adjoining the site which comprise bungalows in Grafton Close and 2 storey dwellings to the rear and the design and materials are considered to have an acceptable impact upon the established character 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.

#### RESIDENTIAL AMENITY

The development is to the rear of 6 Manor Road as well as to the side of 2 Grafton Close. The dwellings have a relatively low ridge height of 5.1m and the height of the dwellings combined with the distance to site boundaries is not considered to result in any materially adverse overbearing impacts to neighbouring properties. There are no first floor windows proposed in the dwellings.

The dwellings are set back further on the site than the previous proposal, but retain an adequate space to site boundaries which is no longer considered to adversely affect future occupiers. The proposal makes limited, but reasonable provision for private amenity space. The rear garden depths are less than 10.5m metres, and have been reduced from the earlier refused scheme from 8m to 7.8m, but given the similar overall size of the rear garden areas of 82sqm which is very similar to the 83sqm previously proposed they are acceptable. The appeal Inspector had no issue with the overall size of the rear gardens. It was noted that the space around the dwellings differed from adjoining neighbouring gardens in that there was limited side and front garden area available to serve the dwellings and this has increased in this proposal. The distance to the boundaries has altered from 0.9m to 1.4m and the frontage of the dwellings now includes a small front amenity garden area rather than an a hard surfaced area used solely for parking and turning. The proposal therefore accords with policy QE SP1 in that it would not have a negative impact on the residential amenity of future occupiers

The Council is applying the Technical housing standards - nationally described space standard. The proposals provide 2 no. bungalows, each with a gross internal floor area of 74.08sqm. The standard for a 2-bed/4 person single storey dwelling is 70sqm. The development would be fully compliant with Policy D DM2 of the Arun Local Plan and guidance in the Government's 'Technical Housing Standards.

The use of the access to serve the dwellings, which would be adjacent to the boundary with Manor Road, results in noise and disturbance from vehicle movements associated with the development which have an effect on 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 2 dwellings. 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 there is already access down part of the side of no 6 to the garage and that no 6 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 houses 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 disturbance by way of noise to an acceptable level. This could be secured by condition.

A recent appeal decision (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 this proposals 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 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 1.4m 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 5.1m (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.

Further the access did not previously form a reason for refusal and was found acceptable by the appeal Inspector.

#### PARKING AND TURNING

The westerly crossover would be modified and slightly repositioned. The access would be provided along the western boundary, leading to a turning/ parking area for the proposed dwellings. 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 each new bungalow (minimum of 4 spaces in total).

The host dwelling would retain its easterly crossover and garage, and hardstanding area to front. This provides ample parking provision for the retained property of No.6.

The addition of 2 bungalows 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 four parking spaces. The proposal would generate a parking demand of 4 spaces and such provision meets the recently adopted Arun parking standards for 2 x 2 bedroom dwellings in this location. Two 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 2 car charging points could be imposed in accordance with 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) and this is in the red line as confirmed by Location (1:1250) and Block Plans (1:500). The access to the bungalows is 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 R/72/19/PL and the Inspector had no issue with the arrangement.

#### IMPACT ON WILDLIFE

The site does not fall in 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 could be controlled by condition.

#### SUMMARY

It is considered that the dwellings would give rise to unacceptable adverse harm to the residential amenities of future occupiers and would not be sufficiently in keeping with the character and spatial pattern of development in the locality. The proposal is considered to be in conflict with policies D SP1, QE SP1 and D DM1(1) of the Arun Local Plan and the application is recommended for refusal.

#### 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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. Developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The site is in CIL zone 4 and 2 new dwellings are CIL liable providing 73.63sq m net gross internal floor area.

#### RECOMMENDATION

##### REFUSE

- 1 Given the design of the dwellings and size of the site the proposed dwellings would appear cramped and out of keeping with the spatial layout and character of the locality contrary to policies QE SP1, D DM1 and D SP1 of the Arun Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority



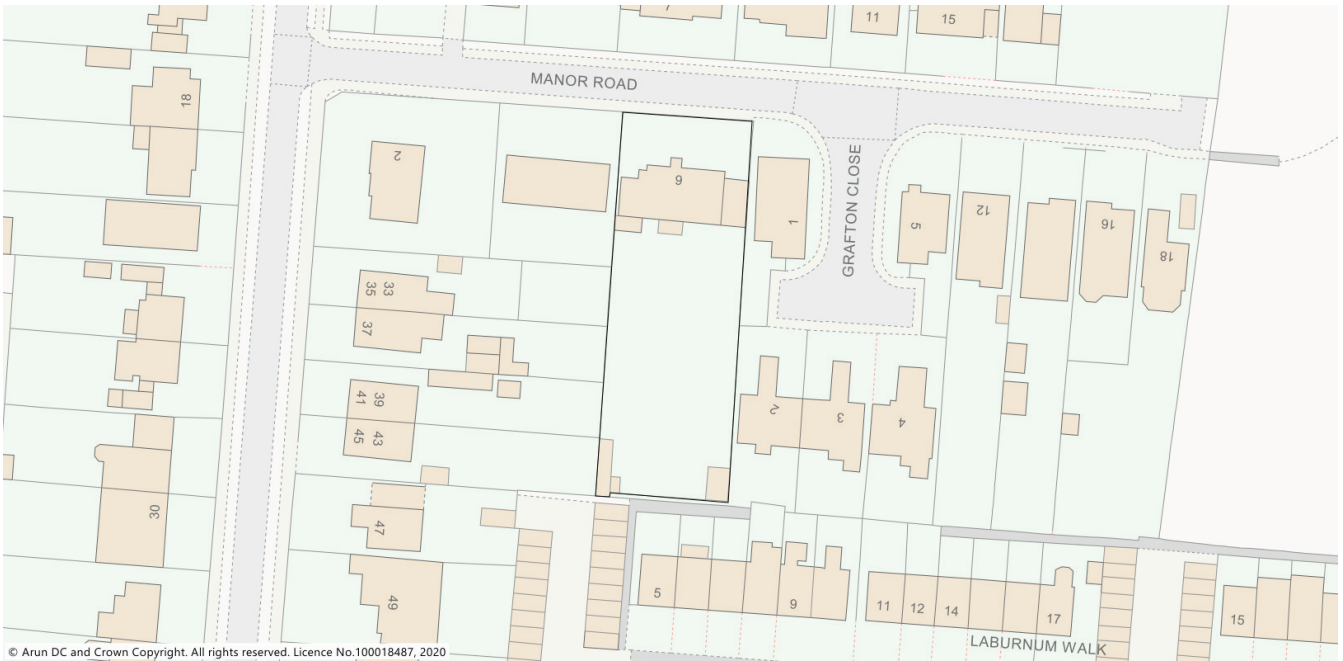
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has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

#### **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.

**R/92/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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