Statement of Case for:

42 Crabtree Lane, Lancing, West Sussex, BN15 9PQ on behalf of Mr N Minsky, J Minsky & Sons.



LPA's Ref: ADC/0488/10

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The Site and its Surroundings

The site is situated to the rear of 42 Crabtree Lane and has road frontage on to First Avenue. The site is at present is garden area, including four silver birch trees. The site is level and vehicular and pedestrian access is proposed directly onto First Avenue.

42 Crabtree Lane is at the end of a terrace that has retail premises on the ground floor and flats above. First Avenue is a residential road and immediately adjoining the application site are a terrace of two storey dwelling houses, built probably in the 1930's, with rendered elevations and a tiled roof.

Between the site and the First Avenue houses, there is an unmade track with vehicular access onto First Avenue, this serves garaging and parking and access to the rear of the parade of shops and flats.

The site is in a very accessible and sustainable location with local shopping parades adjoining and Lancing town centre and mainline railway station about 0.3 mile distant, bus services are available within level walking distance and there are primary and secondary schools, also within walking distance.

The Proposal

Is to demolish the detached garage and extension and fell two of the silver birch trees and erect a two storey detached house, fronting onto First Avenue. There will be an integral garage plus single car hard standing space.

It will comprise living/dining area; kitchen and Lifetime Homes Standard cloakroom on the Ground Floor, with 3 bedrooms and a bathroom on the First Floor.

Reasons for Refusal

Adur District Council have given two reasons for refusal as follows.

01. The group of 4 trees subject to Tree Preservation Order on the site are an important feature of the locality and the removal of 2 of these trees to build the proposed house would be detrimental to the visual amenities and character of the area and conflict with the policies of the ADLP (AG1, AB23, AB25).

02. Having regard to the close proximity of the remaining 2 trees to the proposed house, resulting in overshadowing and other detriment to residential amenity, the remaining 2 trees would be under future threat of removal or substantial reduction in a manner that would spoil their appearance. This would pose further risk of detriment to the visual amenities of the locality and the site is concluded to be of insufficient size to accommodate the proposed house

in a satisfactory manner that would meet the requirements of policies AG1, AH2, AB23 and AB25 of the Adur District Local Plan.

I would like to comment on these as follows.

Reason One

The four silver birch trees on site, are the subject of a Tree Preservation Order, which was approved on the 7th February 2011. The planning application was validated on the 15th December 2010 and was refused by decision notice dated the 17th February 2011. It would therefore appear that the Tree Preservation Order was dealt with as a direct response to the planning application, had the council or local residents considered these trees to be an important feature of the local landscape, I would have expected them to have been a subject of a Tree Preservation Order before this time.

Accompanying the application was a Arboricultural Impact Assessment prepared by Arbortech Consultancy. This assessment recommended the viable retention of two of the listed trees (T1 and T4) with the felling of the other two trees (T2 and T3) to facilitate the development. The trees are category C, which classifies them as low in terms of quality and value. Arbotech have also submitted a detailed methodology statement, together with drawings indicating how the remaining two trees will be protected during construction. Accompanying this appeal statement will be a further report from Arbotech regarding their opinion on the merits of the trees and why they are not worthy of retention. They have also prepared, for informative purposes, a suggested landscaping/planting scheme to mitigate for the loss of the two trees. A replacement planting and landscaping scheme can of course be secured by way of a suitably worded planning condition.

The council state that they consider the removal of these two trees would be detrimental to the visual amenities and character of the area. I consider that the proposal, when considered as a whole, will itself greatly improve the street scene on the corner of Crabtree Lane and First Avenue by introducing a new detached dwelling house, of an architectural style that is sympathetic to the surrounding area. The existing extension, which is an eyesore will be removed and with a new landscaping scheme implemented, the proposal will add to the character of the area generally and the street scene of First Avenue.

Reason Two

The council are concerned that the two remaining trees would result in overshadowing to the proposed new property. The trees are located to the north and northwest of the proposed new dwelling, the main living/dining space and main bedroom are to be sited at the southern end of the house,

therefore due to the orientation of the property, the movement of the sun will mean that there will be no overshadowing to the main parts of the house, or the proposed garden area, which is sited to the south and west aspects of the site. The kitchen and bedrooms two and three, by way of their siting will not be subject to undue of loss of light or overshadowing by these trees, which will in fact give these rooms a good level of privacy and pleasant outlook.

The Local Planning Authority comment that the remaining two trees would be under future threat of removal, however the fact that they are covered by a TPO means that an owner will not be free to implement any substantial works to the trees, without the consent of the Local Authority. These trees will be protected during construction

The council state that the site is of insufficient size to accommodate the proposed house. The Planning Officer report confirms that the private garden area as proposed of 87 square metres complies with the standard required under the guidance notes of the *Good Practice Guidance Note*. The officers report states *"given its overall area on balance it would provide adequate amenity space for the size of the dwelling"* therefore the wording of the decision notice does seem rather contradictory to the views set out in the report. I will comment further and in more detail on this issue later in this report.

Planning Policies

Adur District Council in their decision notice have quoted that they consider the application to be contrary to a number of local plan policies, and I would therefore like to comment upon these as follows.

The Adur District Local Plan AG1: This policy states that within built up area boundaries development will usually be permitted, providing it does not detract from the existing local urban environment.

The site is situated within the built up area of Lancing, in an area identified for use as business and shopping in the Local Plan. The Local Planning Authority confirm that as the proposals only relate to a section of the rear garden of the property, the development will not effect the commercial viability of the existing shop. They also confirm that this residential infill development is needed in order to meet the housing requirements of the South East Plan and Adur District Local Plan. The development as proposed will add character, to what is at present, rather an eyesore corner plot. Landscaping features will be maintained with the retention of two of the silver birch trees and a planting plan will further enhance the visual appearance and amenity of this site.

AB23: States that the district planning authority will make TPO's to safeguard existing trees but priority will be given to those that make a significant contribution to the visual quality and character of the locality.

AB25: Is also concerned with development effecting trees and the guidelines contained in this policy are that development effecting trees will be granted if those trees are of poor appearance and have little public amenity value.

I would once again draw the inspectors attention to the Arboriculturalist Reports that accompanied the planning application, and further reports that are annexed to this statement. Considering these trees are of category C low quality, I consider that the removal of the two trees as proposed is justified and that mitigation proposals as submitted are sufficient to safeguard the remaining trees. The orientation and layout of the property, means that the rooms will not be unduly effected by overshadowing from the trees and satisfactory distance between the trees and the new building will be retained. A construction exclusion zone to protect the trees is proposed during building works.

AH2: States that new residential development by way of infilling will be acceptable in the built up area.

The proposal does I consider conform to the guidelines contained in this policy as follows.

The design blends well in context with its setting in the street scene of First Avenue. In terms of design and materials it will harmonise well with the 1930's properties in First Avenue and the similar style of buildings to the shops in Crabtree Lane. The layout of accommodation has been carefully designed, so that none of the habitable rooms will have a direct outlook onto neighbouring properties, and whilst there maybe some overlooking to the garden of the property from the flats above the shops, this is no more than would normally be regarded as acceptable in relatively high density urban areas. The Planning Officer's report confirms *"it is considered that the proposed dwelling would not result in an unacceptable loss of privacy to the surrounding dwellings"*.

By virtue of the properties orientation, there will be no resulting overshadowing, loss of daylight or sunlight to adjoining properties by these proposals.

The existing natural features of the site are respected, by the retention of two silver birch trees and the additional proposed planting.

West Sussex County Council, who are the Highway Authority, confirm that the two parking spaces to be provided conform to their parking standards. A requirement of the original application on this site that was subsequently

withdrawn, was that a contribution would be required towards sustainable transport and a draft Section 106 Agreement, that was submitted with the previous application has been amended to reflect the reduced figure of £1890.

This policy states that adequate standards of residential amenity for the new dwelling should be incorporated. And the council standard DC2 *"Space around dwellings and flats"* is also relevant to this application. This states that for a three bedroom detached house, 85 square metres of amenity space should be provided, and it is confirmed that 87 square metres of amenity/garden space is provided under this application. Although the garden layout is L-shaped rather than the more conventional rectangular plot, it means that an area of garden will be provided, both to the south and west of the proposed property, providing a sunny and pleasant amenity space for the occupiers. An area of land further to the south would be available to the occupier of the flat above No. 42 Crabtree Lane as amenity space.

The Planning Officer's report regarding the plot size of the dwelling states *"given its overall area on balance it will provide adequate amenity space for the size of the dwelling"* which seems rather inconsistent with their reason No. 2 on the decision notice. The size and position of the trees, will not limit the useable space allocated for formal garden areas.

National Planning Policies

National Planning Policies PPS1 *'Delivering Sustainable Development'* and PPS3 *'Housing'* state that efficient use of land should be made within existing development boundaries and although recent modifications to Annexe B of PPS3 now excludes private gardens being classed as previously developed land, PPS3 still promotes urban land as the best use for housing development. This revision does not preclude development on garden plots in urban areas, within existing development boundaries.

PPS3 also encourages a mixture of types to create a balanced community and the revision also states that the density of existing development should not dictate that of new housing.

The design sits well in its context and will improve the character of the area, which is one of the guidelines contained in PPS1. The site is in a sustainable location, within level walking distance of local transport links.

I consider that the proposals respect rather than conflict with the aims of local and national planning policies.

Conclusion

The main issue in this application is the removal of the two protected silver birch trees, and the effect that the remaining two TPO trees will have upon the amenity of the proposed new dwelling.

I consider that the evidence provided within the Arboriculturalist Reports support the case that the two trees to be removed are not worthy of retention and that the two remaining trees, will be protected and will not unduly overshadow any of the rooms within the layout of the proposed new dwelling.

I consider that the points in favour of this application are as follows.

- ✓ The design and choice of materials, will blend well within the street scene of First Avenue.
- ✓ It makes efficient use of land, in accordance with local and national planning policy guidelines and adds well to the mix of housing stock in the area.
- ✓ It respects the privacy of adjoining residents.
- ✓ It provides an infill development, within the built up area of Lancing.
- ✓ Lancing Parish Council have no objection to the application.
- ✓ There will be no overshadowing, loss of daylight or sunlight to adjoining properties, by virtue of this proposal.

I would ask the inspector to allow this appeal.