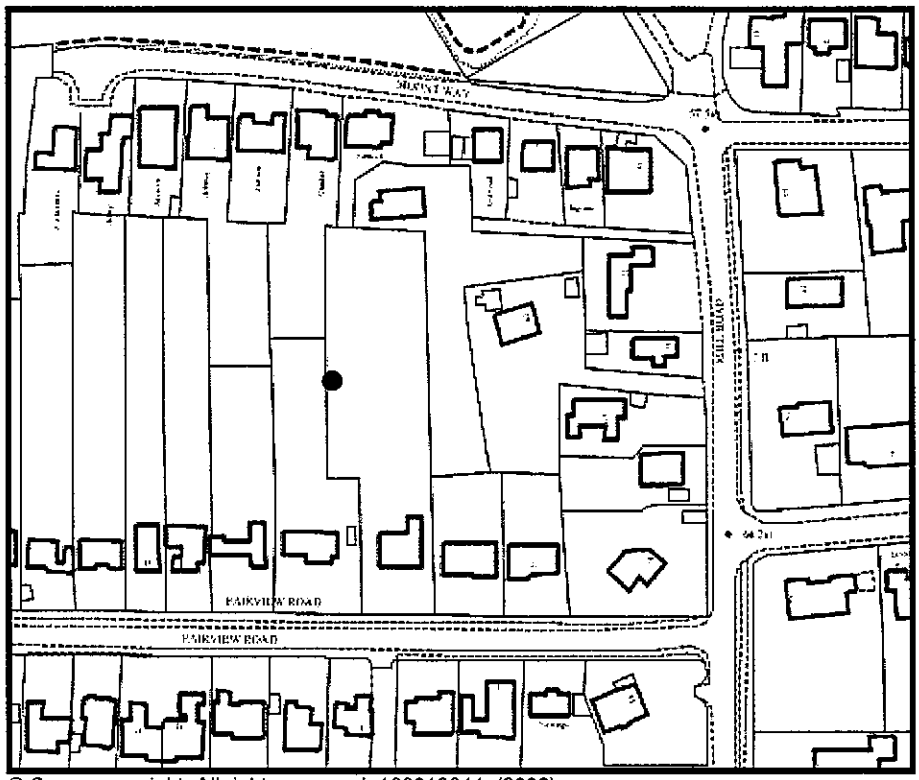
Application Number: ADC/0309/09 Recommendation – REFUSE

Site: **6 and 8 Fairview Road, Lancing BN15 0PA**

Proposal: **2 detached dwellings at rear of existing dwellings (No's 6 and 8) with access and parking spaces (Outline with all details reserved)**



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The Application

The application relates to most of the very long rear gardens of the bungalows (with rooms in the roof) at No's 6 and 8 Fairview Road. The site (area 0.23 hectare) rises steeply uphill to the north and includes numerous trees (mainly ash and sycamores subject to an area Tree Preservation Order).

The application is in outline with all details reserved for subsequent submission and approval. However, it is accompanied by illustrative plans showing a suggested site layout plus indicative floor plans and elevations of the 2 dwellings. It is also accompanied by a a site survey plan; a Design & Access Statement by the applicant's agent; a qualified consultant's Habitat Survey & Biodiversity Report (phase 1) with 'habitat map'; a qualified arboriculturist's Tree Survey plan (with schedule of recommendations) and Tree Protection plan.

There was a previous application ADC/0181/07 for the erection of 4 dwellings (3 houses and a chalet bungalow) on the long rear gardens of No's 4 and 6 Fairview Road which also included parts of the gardens of No's 69 and 77 Mill Road; the total site area being 0.21 hectare. That application was refused and an appeal dismissed.

The present application site differs from the previous in that, whilst still including the rear garden of No.6, it now includes the rear garden to the west (No.8) instead of the rear gardens to the east (No.4 etc). It would still be accessed through the gap between No's 6 and 8, which rises steeply uphill from the road. The illustrative plans show a proposed 3.7m wide driveway (plus 1.5m footway) running uphill to a proposed turning and parking area, located mainly behind the existing bungalow at No.6.

The illustrative plans show one dwellinghouse located on the south part of the site, immediately to the rear of the bungalow at No.8, and the other dwellinghouse located on the upper (northern) part of the site, to the rear of No.77 Mill Road (which itself occupies a 'backland' location behind houses in Mount Way). Both are shown as having three bedrooms on the first floor plus a groundfloor study/bedroom.

The southern house (130sqm) is shown as being mainly two-storey but with a very long 'catslide' roof down to a single-storey on its south side. It is shown with a blank north side where it would be close to retained trees and most of its windows in the east (front) and west (rear) elevations, with 2 livingroom windows and 2 rooflights in the south side.

The northern house (160sqm) is shown as being mainly two-storey with a 'stepped' layout and a roof sloping down to a single storey on the west half of the south (front) elevation. It is shown with a blank north (rear) wall on the east half (where it is behind No.77 Mill Road) and with windows on the west half and in the front and both east and west side elevations.

Representations

County Transport Planning Services: To be reported. Previously had no objection subject to a contribution to sustainable transport improvements in the area under the adopted sustainable Transport Contributions Methodology (by means of a section 106 Obligation).

Adur District Council: The Waste Strategy Officer states that he is concerned that the illustrative proposed turning area is insufficient for a refuse vehicle (NB. owing to the length of the accessway and the gradient, he considers it impractical for bins to be wheeled to the roadside on collection day).

Lancing Parish Council: To be reported.

Third Parties: 15 letters/emails have been received.

11 (one of which is on behalf of 15 households) are objections from residents at No's 1, 2, 4, 10, 20 & 'Poynings' Fairview Road, No's 59, 61, 67, 71, 77 & 79 Mill Road and 'Juglans', 'Kellys', 'Keltwood', 'Rannoch', 'Southerly', 'Hobbits', 'Seaview' and 'Hilary' Mount Way. One is from the North Lancing Residents Association and expresses various concerns.

The other 3 support the application or have no objection and are from residents of No's 24 & 26 Fairview Road and 'Highview' Mount Way. One comments that the proposals are wholly justifiable infilling of excessively large rear gardens in a brownfield suburban location – it is unacceptable to have a blanket rejection of desperately-needed new homes on unwanted garden land, unlike the South Downs National Park where such rejection is justified.

The objections/concerns are mainly on grounds that:-

- the proposals would threaten these well-wooded gardens between Fairview Road and Mount Way which make a valuable contribution both for residents, creating a verdant enclosed atmosphere in a very exposed location, and in wider views screening the existing development on the rising flank of the Downs; the present attractive and wooded character would be substantially lost in the development process and further eroded thereafter.
- the applicant's Arboricultural Impact Assessment makes no sound case for felling 12 trees or interference with any of the trees subject to TPO. It fails to mention that the trees provide support and protection for each other and, by removing some (even if not first class specimens), those remaining will be less stable and more vulnerable to strong winds.
- the proposals would radically alter the whole of the application site as it would be built on, hardsurfaced or more intensively used as gardens, damaging the semi-rural character which is essential for maintenance of diversity of wildlife.
- Residents are concerned that the applicant's Habitat Survey and Biodiversity Report underestimates the potential impact of the development as it makes no reference to removal of shrubs and trees (including those subject to TPO) some of which are thought to be nesting sites for woodpeckers, jays, etc. The proximity of the site to the Lancing Ring LNR is thought to be a relevant factor. A list of birds, mammals and reptiles observed on the site by residents has been submitted. Another letter refers to slow worms, snakes, stag beetles, badgers having been seen in the vicinity.
- the proposals fails to meet the criteria set out in PPS3 which, in assessing design quality, refer to the need to integrate with and complement neighbouring buildings and area in terms of scale, density, layout and access; to create or enhance distinctive character; and provide for the retention or re-establishment of biodiversity within residential environments.
- the development fails to meet the requirements of Local Plan policies AG1 and AH2. It would be a gross intrusion detracting from the local environment; the illustrative architectural form and height of the houses would be discordant; and it would result in the loss of many trees; even where not initially removed, the LPA would come under pressure from the residents of the new houses to remove or cut back the trees to provide more light, etc.
- the locaticns of the 2 new houses are too close to existing dwellings and there would be mutual overlooking, likely removal and/or reduction of boundary hedges and trees not subject to TPO, etc. The proximity of the new houses is out of place with the existing well-spaced layout of dwellings which achieves a minimum of over-viewing and a maximisation of privacy. The steep gradient emphasises the overbearing effects.
- the position of the access directly opposite that of the new development on the south side of Fairview Road is potentially hazardous, especially as vehicle numbers and speeds along the road have increased in recent years and it is a bus route.
- precedent for further development.
- if permission were granted, it should be subject to control of works to all trees and boundary hedges; a significant reduction in the height of the buildings; a substantial 'cordon sanitaire' between the buildings and site boundaries; control of positions of windows of habitable rooms to avoid overlooking; removal of 'permitted development rights'; standard reserved matters conditions; and conditions to limit construction working hours and require contractors to observe the 'considerate contractors' code.

[NB. the resident of 'Rannoch', Mount Way requests to speak at the Committee meeting]

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2
Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB23, AB25-27, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2 "Space Around New Dwellings and Flats"
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003 & ADC 2004)
Design Bulletin 'Trees and Landscaping' (ADC 1996)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPS9 'Biodiversity and Geological Conservation (ODPM 2005) & Circular 06/05
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

Policies

In principle, the proposed residential development constitutes infilling within the built-up area as provided for in Local Plan policy AH2. In order to meet the housing requirements of the South East Plan, it is necessary that a significant proportion of new residential development takes place by way of infilling. As it comprises the curtilage of dwellings, the site is classed as previously developed ('brownfield') land under the Government's definition.

The South East Plan sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. Policy SP3 seeks to achieve at least 60% of all new developments on previously developed land and through conversions of existing buildings. Developments in urban areas, including infill, should be well designed and consistent with the principles of urban renaissance and sustainable development. Policy CC6 requires development to respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes throughout the region, and to use innovative design processes to create a high quality built environment which promotes a sense of place.
Policy SCT1 gives priority to pro-actively pursuing sustainable economic growth and regeneration of the Sussex Coast whilst also protecting and enhancing its high environmental quality, its cultural and historic assets and promoting excellence in design of new developments in recognition of their importance to economic success and quality of life. SCT5 & H1 set housing targets for the Sussex coast sub-regional area and Adur for 2006-2026. These targets are to be met by focusing development in existing towns, by optimising the use of previously developed land. H5 aims to raise the quality, adaptability and sustainability of new housing and at higher densities (overall regional target 40 dwellings per hectare). T4 states that Local Development Documents should apply guidance on parking standards for housing in line with PPS3, reflecting local circumstances, and ensure sufficient and secure cycle parking for new flats and houses. BE1, entitled management for an urban renaissance, states that opportunities will be taken to improve the built environment, including by promoting design solutions relevant to their context and building upon local character and by supporting opportunities for appropriate higher density and mixed use development schemes. BE2 states that Local Development Frameworks should identify areas where suburban intensification could assist wider planning objectives subject to providing clear planning and design guidance based on local character appraisal.

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space around New Dwellings and Flats'.

Owing to the loss of trees in the District over the years and the difficulty encountered in establishing new trees in new developments because of the exposed coastal climate and dry chalk soils, policy AB25 of the Local Plan firmly aims to retain existing trees. It states that permission will only be granted if the trees affected by new development are of poor health or appearance or of little public amenity value. Policy AB24 has not been saved. There is also a statutory duty placed on Councils under section 197 of the Act to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees and to make TPOs as necessary in connection with the granting of permission whether to give effect to the conditions or otherwise.

PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment. PPS3 also states that Councils should "facilitate good design by identifying the distinctive features that define the character of a particular local area..... ...Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric... .....successful intensification need not mean high rise development or low quality accommodation with inappropriate space.....The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form.....If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."

Density

The density of the existing dwellings is only approximately 10 dwellings per hectare (dph). The proposed dwellings would be at a similar density (9 dph). This is much lower than the dwellings recently built opposite on and at the rear of No.5 Fairview Road. As stated under 'Policies', in PPS3, the Government refers to a normal requirement of not less than 30 dwellings per hectare (dph) for new housing development, and the South East Plan has a target of 40dph. It is considered that this is a special case where there is a sound justification for a much lower density, in order not to jar with the attractive tree-covered low density character of the area and help retain its distinctive sense of place. However, although the density of the proposals is very low, as referred to below, in order to minimise the impact on the trees which are mainly in the middle of the site, the dwellings would need to be sited close to the existing dwellings to both the north and south.

Character and appearance

The site occupies a 'backland' location on a steep hillside with large numbers of trees significant mainly for their collective value rather than as individual specimens. The distinctive character of the Mill Road area largely derives from the trees, shrubs and large gardens which create an overwhelming sense of 'greenery', contrasting with most of the remainder of the built-up area of Lancing. The road frontages of Fairview Road and especially Mount Way (to the north) are more built-up than Mill Road itself, the low density being derived from exceptionally long rear gardens. The bungalows on the north side of Fairview Road are set well back from the road with a sloping grassed verge, giving a fairly spacious feel.

With few exceptions, the dwellings in the locality are not of significant architectural quality, nor of any historic value, so the area is not included within the North Lancing Conservation Area.

The previous proposals that were refused and dismissed on appeal in relation to the rear of No.6 and the land to the east (rather than west as now proposed) would have resulted in a markedly built-up appearance because, apart from the issue of excessive removal of trees, the 4 dwellings were proposed to be sited close together with most of the area in front of them comprising hardsurfaced access driveways and a turning area. The proposed two northernmost houses were also very tall at the front owing to integral garages beneath and would have appeared overpowering when viewed from the south. Even the smaller proposed chalet bungalow would have appeared overbearing from the rear windows of No.4 Fairview Road (18m away) owing to the great difference in floor levels (about 2m-3m).

The appeal Inspector stated:-

> *"The visual qualities of this area are formed by the low density housing, the generous rear garden areas associated with most of the houses and the good tree cover. These factors are enhanced by the significant land gradient, which makes backland amenity areas quite prominent and visible within the local townscape.*
>
> *The backland area comprising the appeal site is particularly pleasing because of its extensive open nature and the trees it contains. In my view 4 new dwellings, 2 of which would be quite tall and set on the highest part of the site, grouped quite closely together, would have a significant urbanising effect that would radically change and disturb this pleasant setting. Because of the relative awkwardness of the shape of the parcel to be assembled, the houses would have a closely grouped relationship with each other, with little side to side separation or detachment from their side boundaries. There would also be an extensive area of access road and driveways required to serve the proposed integral garages.*
>
> *Overall, the development proposed would fail to respect the spacious qualities of the area and would have a detrimental visual impact which would be augmented by the local topography. As such, the layout and design of the proposal would fail to improve the character and quality of the area contrary to the guidance in PPS3. It would also be in conflict with policies..... AG1 and AH2 of the Adur District Local Plan."*

The present proposals are clearly much reduced from the previous ones, with only half the number of dwellings, although the hardsurfaced access driveway and turning/parking area are still relatively extensive. There would be a significantly less urbanising effect as

compared to the previous proposal, with the trees remaining the dominant feature of the site rather than the buildings.

Nevertheless, because of the need to protect the trees, the proposals involve siting the proposed dwellings inappropriately close to the existing dwellings to both the north and south, thereby at odds with and spoiling the pleasant low-density character of the existing dwellings. Moreover, as referred to below, although retaining most of the central group of trees, the proposals entail the loss of most of a prominent sub-group of trees to the south east of the main group and are likely to pose a risk to the future of a significant number of other trees. This is because of the lack of scope for avoiding the dwellings being in close proximity to the trees without positioning them even closer to the existing dwellings or to boundary hedges.

Trees

On the previous appeal, which related to a partly different site area, the Inspector stated:-

> *"It is the collective value of the trees, which have a pleasing semi-natural arrangement and disposition through the centre of the site which represents the value leading to the (TPO) designation being made. I support the Council and others' view that this should be retained.*
>
> *The proposal.....would effectively eliminate this value. I note that replacement planting is proposed and a management regime suggested..... However, replacement is not an adequate justification for the removal of trees with such protection. Similar arguments could be used at other locations in furtherance of development proposals. Designation suggests a high degree of permanence for the specimens in question.*
>
> *I therefore consider the decimation of the TPO in the manner proposed to be unacceptable and to have adverse consequences for the visual qualities of this area. Policies AB24 & AB25 of the Local Plan provide clear guidance that protected trees will be retained. The proposal before me is in direct conflict with these policies."*

The Tree Survey plan commissioned by the present applicants includes an individual assessment of each tree and states that, using the British Standard methodology, only 2 trees within the present application site are of moderate quality and the majority are of low quality. However, as recognised by the previous appeal Inspector (see above), the trees are important from a collective, not individual, point of view. They are of considerable height and as a large group are an essential component of the landscape of this locality. Owing to their height and number, combined with their location on the steep hillside, they are visible not just from the rear gardens but from local roads and in distant views from the south.

There are 38 trees within the present application site listed on the submitted Tree Survey plan, excluding some holly trees in the boundary hedging and a few small fruit or flowering trees which bring the total to about 48. The proposals as illustrated identify the felling of 15 trees on the site, as compared with 25 on the previous application. However, the Area TPO only relates to ash and sycamore trees; 9 of the 15 trees identified for felling are protected by this TPO.

The 9 protected trees identified for felling are mainly tall intergrown ash trees (about 16m tall), 6 of them forming a sub-group on the south east edge of the main intergrown group of trees across the centre of the site. 3 of these 9 are recommended to be felled because of their very poor condition for health and safety reasons by the arboriculturist. The others

The existing dwellings closest to the proposed dwellings are, in the case of the proposed northern dwelling, No. 77 Mill Road and, in respect of the southern dwelling, No's 6, 8 and 10 Fairview Road.

The northern dwelling is shown only 12.8m from the existing chalet bungalow at No.77 Mill Road which stands on much higher ground and has a dominant dormer with balcony facing over the application site. This separation distance is well below the Council's minimum standard of 22m. However, the half of the rear wall facing No.77 is shown completely blank with no windows. The eastern half of the rear wall has windows but these would be shielded from the windows of No.77 by a 'step' in the layout and from its garden and those in Mount Way by a group of small trees (apart from one sycamore, not subject to the TPO). The east half of the garden of the new house would be severely overlooked by No.77's dormer with balcony. There is space in the garden of the new house for additional planting to act as a screen but this would clearly take time to grow to sufficient height to provide privacy.

As regards the existing chalet bungalow at No.8 Fairview Road, the southern side of the proposed dwelling (which is shown with windows) is depicted as 16.2m from the rear windows of No.8. The Council's normal minimum side to rear distance, where there are no side windows, is 14m. However, given that there are facing windows and the land slopes very steeply upwards, it is considered that this is too close. The applicant shows a proposed 1.8m high fence on the boundary in order to avoid the side windows overlooking the rear garden and windows of No.8 but it is considered that the height difference would make the new development appear overbearing as seen from No.8.

In respect of the bungalow (with rooms in the roof) at No.10 Fairview Road, the rear wall/windows of the proposed southernmost dwelling are shown only 6.75m from the east side boundary of the rear garden of No.10. The Council's normal minimum rear garden length is 11m and it is considered that the siting proposed is much too close to the west boundary to provide an appropriate space. There is a dense hedge along the boundary (although it is low in part) and the two dwellings would not directly face each other. The distance between them, corner to corner, is shown as 16m. There is concern about the height differences and the potential for an overbearing effect and overlooking. Re-positioning the dwelling eastwards may be possible but there is then concern as to its effect on reducing the size of the vehicular turning and parking area.

As regards No.6, the turning and parking area would be to the immediate rear of its remaining garden and at a higher level. The front windows of the new dwelling would face toward the side of its rear garden. However, the effect would be ameliorated by a large tree and other smaller trees subject to the TPO and to be retained.

Although it is conceivable that, to achieve adequate standards of residential amenity, the site might be able to accommodate 2 dwellings subject to careful attention to detailed siting, floor levels and design (including windows and boundary treatments), it is not considered that the submitted illustrative plans adequately demonstrate this. Owing to the over-riding need to protect the trees and retain the special quality of the environment, there is insufficient certainty that it is achievable. It would be inappropriate to grant outline permission for 2 dwellings in such circumstances.

Access and parking

The comments of WSCC are awaited. However, contrary to the objections raised by some residents, they previously considered that siting the proposed access in this location

between No's 6 and 8 is acceptable in principle. There is adequate visibility along Fairview Road owing to the wide grassed verge. The recently-created access road opposite is too minor to give rise to concerns about creating a crossroads.

The proposed 46m long main access drive would have a relatively steep gradient and it would be necessary to ensure adequate drainage provision to prevent surface water run-off onto Fairview Road. There is sufficient overall width of land available (5.2m) to enable the drive to be wide enough (4.5m) for the first 8m to enable two cars to pass, the width of 3.7m on the illustrative plan being inadequate. A relatively large area (maximum 20m by 10m) is proposed at the end of the driveway to enable cars and service vehicles to turn – although the Council's Waste Services section have questioned its adequacy.

Beyond this, however, a further individual driveway is shown rising a further 30m steeply uphill to 2 parking spaces beside the northern dwelling. No turning area is shown and there is serious concern about the safety aspects of reversing along such a long driveway on a steep gradient. A turning area is considered necessary but this is likely to affect trees on the site.

The proposed dwellings are each shown with 2 parking spaces (no garages), plus 3 visitor parking spaces, giving 7 spaces in total. The adopted standard requires a maximum of 3 parking spaces for a four-bedroom dwelling (2 for a three-bedroom dwelling), thus giving a maximum total requirement of 6 car parking spaces as compared to the 7 spaces shown on the illustrative plan. Exceedance of maximum standards is contrary to present policy on the basis that it encourages non-sustainable travel by car.

A sustainable transport contribution is required under the adopted methodology (calculation awaited from WSCC).

The Inspector concluded in respect of the previous application for 4 dwellings that:-

> *"Several local residents also expressed concerns in relation to traffic generation. However, the level of additional traffic movement likely to be generated by the proposal would be modest. There is no objection in these terms from either the Council or Highway Authority. Each unit would have adequate off-street garaging and parking provision, so I do not envisage that pressure would be placed upon Fairview Road in this regard. In any case, my impression of the immediate area was that there is ample casual on-street parking available in the area should that be needed."*

Biodiversity

Although raised as an issue by some objectors at the time of the previous application, adverse impact on biodiversity was not a ground of refusal, nor was it mentioned by the Inspector in his decision on the appeal.

Notwithstanding this, the applicants have employed the services of a consultant to produce a Habitat Survey & Biodiversity Report (phase 1) with 'habitat map'. This concludes that, although there are a couple of small patches of rough vegetation and small amounts of scrub and native shrubs along the boundaries which have some value, overall the site has only limited direct value for biodiversity. Moreover, the indicated locations for the 2 dwellings only comprise areas of amenity grass and hardstanding so having a negligible effect on biodiversity. Further surveys for protected species are not advised to be necessary. Clearance of vegetation or demolition of buildings where birds may be present should be undertaken outside the bird-breeding season (especially March-July) and work

only carried out during this period if breeding birds are not present. Provision of nestboxes would be a positive measure (in addition to some already in existence).

Local residents refer to sightings of various birds, mammals and reptiles in the area, including some protected species. However, it is not considered that there is a substantial reason to disagree with the findings of the applicant's report and, in view of the limited amount of development proposed, it is not considered that the impact on biodiversity is such as to constitute a reason for refusal.

Recommendation

Subject to consideration of the views of WSCC on highways/transport matters, REFUSE on the grounds that:-

1. The submitted illustrative plans do not demonstrate that this largely wooded site with its steeply rising ground level above Fairview Road can accommodate 2 dwellings without causing significant detraction from the existing distinctively semi-rural residential environment of the locality, with loss of character and sense of place. The proposals are consequently not in accordance with the policies of the Adur District Local Plan (AG1, AH2), the South East Plan (SCT1, CC6, BE1) and PPS3.
2. The proposals are likely to lead to the loss of an excessive number of trees subject to Tree Preservation Order which form an essential component of the local character of the locality, contrary to policy AB25 of the Adur District Local Plan.
3. There is no evidence that the necessary contribution would be made to improvements to sustainable transport in the area, to offset the effects of the travel demands generated by the proposed dwellings, as required by the West Sussex Transport Contributions Methodology.

.....