

Recommendation Report for Planning Permission

REF NO: AW/130/21/PL

LOCATION: 10 Robins Drive
Aldwick
PO21 3BL

PROPOSAL: Part change of use of attached annexe from residential to rent for unrelated people. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert part an existing dwelling to form an attached unit for use as a separate residential property.
BOUNDARY TREATMENT	The site is boarded by fencing to the rear and side boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached chalet bungalow.
CHARACTER OF LOCALITY	The area is predominately residential.
None.	

REPRESENTATIONS

Aldwick Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Private Sector Housing

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing".

The escape route from the Annexe living room and Annexe bedroom appears to be via the kitchen, which would be unacceptable as the sole means of escape. This can be overcome by ensuring that the windows in the Annexe living room and Annexe bedroom meet the requirements of escape windows. Where escape windows are fitted, care must be taken to ensure they are of adequate size, they open to level and unobstructed areas and lead to a place of ultimate safety. Where escape windows are fitted, care must be taken to ensure they are of adequate size, they open to level and unobstructed areas and lead to a place of ultimate safety. There should be adequate fire separation between the main house and the Annexe. This should be 60 minutes fire resistance horizontally and

vertically. If this cannot be achieved, an interlinked fire alarm and detection system must be installed to provide coverage and warning between the two dwellings.

Environmental Health

- No objection subject to a condition relating to hours of construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. There are no external alterations proposed and a condition is not necessary in this case.

POLICY CONTEXT

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
WDM2	W DM2 Flood Risk
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
SPD10	Aldwick Parish Design Statement
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not considered to comply with relevant development plan policies in that it would result in a cramped form of development, out of keeping with the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan.

Aldwick does not have a made Neighbourhood Plan although does have a Parish Design Statement with the property located within Area 9.

NPPF at paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council acknowledges it cannot currently demonstrate a five-year supply of deliverable housing sites (3.3 years). Consequently, Paragraph 11(d) of the National Planning Policy Framework is engaged. The proposal would deliver a dwelling in a sustainable location, nevertheless, the development for one dwelling on site would make only a minimal contribution to the shortfall in housing supply. The associated

social and economic benefits would be very limited and this benefit has limited weight.

Consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY

The proposal seeks to form a separate dwelling for use of by unrelated individuals. This consists of separating part of the dwelling, by blocking up of internal doors. The entrance for the unit would be to the east side of the property, however this access is existing. The entrance to the host dwelling would be retained at the front.

There are no external changes required to enable separation of properties and there is no impact upon the visual amenity of the locality in terms of changes to the building's appearance. Whilst the proposal does not result in external alterations, the proposal results in an over development of the plot, that is out of character with the area, as a result of the dwelling forming 2 properties, which is not a common feature within the street scene, which consist of detached chalet bungalows.

Arun recently adopted a Design Guide which seeks to raise design in the district. As there are no external changes, the proposal complies with this in terms of the appearance of the dwelling. However, the Guide recognises that infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, but this should not lead to overdevelopment and over-intensification of building plots.

The Aldwick Parish Design Statement refers to 'when any development is undertaken, the existing separation of dwellings should be preserved, and prevent unneighbourly, cramped or visually intrusive closure of gaps, or establishment of ill-conceived linkages between buildings.' The proposal conflicts with this is such that the development will result in a cramped development.

Whilst the proposal retains its external appearance and does not result in visual harm due to physical changes to the building on the street scene, it is an overdevelopment of the site out of keeping with the character of the area in conflict with D DM1 (1) and D DM4 (e) of the Arun Local Plan.

RESIDENTIAL AMENITY

The development will convert part a dwelling to form an attached unit for use as a separate residential property. This will feature its own access and external amenity space.

The access is to the east side. This will result in the occupiers having to walk around the side of building to enter the property. There is a small path in existence and it is not considered that the entrance in this location would result in an over intensification of the use of the property, detrimental to neighbouring amenity.

With no additional openings or extensions, it is not considered to result in additional overlooking, overshadowing or overbearing upon amenity.

AMENITY SPACE

The dwelling has an internal layout depicting; 1 storey, 1 bedroom.

The national guidance advises the following minimum Gross Internal Area (GIA) standards apply:

1b 1p 39sqm (37) *

2p 50sqm

The floor area measures approximately 49.37m² and whilst it measures slightly short of 2p standard,

taking into error from the measurement tools, this figure is acceptable and complies with the guidance.

EXTERNAL SPACE

The rear garden will be separated with a fence to form 2 enclosed amenity areas for the proposed and existing dwelling.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The gardens have a limited plot depth and overall plot sizes. The proposed unit has an external space with a width of 8m and a depth of around 5m. The proposed does not accord with the generally expected 10.5m garden length referred to in the guidance, however for a 1 bed property is acceptable. It does however result in the garden of the host dwelling being reduced to an unacceptable size ,with a width of around 4m. The garden retained for the host dwelling is considered to be of a poor size which as a result of the division, is no longer comparable to that of the surrounding area and is no longer sufficient for a dwelling of 3 bedrooms.

The proposal is considered to result in a cramped form of development for the future occupiers of the proposed unit and the occupiers of the host dwelling which has been reduced in size. The development would therefore conflict with policy D DM1 and QE SP1 of Arun Local Plan.

PARKING

Arun District Council has recently adopted its own Parking Standards SPD (Jan 2020).

The ADC Parking Standards for a 1 bed property in this type of location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. The plot plan demonstrates 1 space for the annexe and 1 space for the host dwelling. Whilst the front garden is relatively large and may be able to accommodate more, the parking provided does not comply with the guidance or TSP1 of the Plan.

FLOOD RISK

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

The site is located in Flood Zone 1 (low risk of flooding) and as such no flood mitigation measures would be required.

Due to the location any alterations to surface water drainage can be constructed in accordance with building regulations. It is therefore the case that the proposal is in accordance with drainage policy.

SUMMARY

The site by virtue of its size would result in a development which is unduly cramped and out of character with its surroundings, with no similar converted units within the vicinity. It is therefore recommended that permission be refused for the following reasons.

All other relevant planning considerations have been taken into account but none are of sufficient weight to warrant the recommendation being amended. This includes para 11d of the NPPF

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.

RECOMMENDATION

REFUSE

- 1 The proposal would result in a development which is out of character with the area and an unduly cramped form of development, resulting in inadequate provision of parking and external amenity space, in conflict with policies D DM1 and D SP1 of the Arun Local Plan and Part P of the Arun Design Guide.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.