

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **AW/14/15/PL**

LOCATION: 19 Rose Green Road
Aldwick

PROPOSAL: Change of use of existing lounge/dining area to retail (A1 Shops) together with new residential extension to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is for the change of use of the existing front lounge, dining room and hallway of this bungalow to form a retail shop for the sale of fabric and haberdashery. An existing conservatory to the rear would be demolished and a single storey rear extension would be erected. This would be 5.3m deep and 4.434m wide and be centrally located. The rear extension would have a pitched and tiled mansard type roof and heights 2.5m at eaves level and 3.4m to the top of mansard. The majority of the roof behind the mansard would be flat. There would be no alterations to the site frontage or to the front of the dwelling, other than limited new sign writing on existing timber elements of the upper part of the existing front bay. A lean to store to the side is to be removed.

SITE AREA

The site area is 0.05 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front boundary is a low panel fence with screen planting to the rear of approximately 3m in height. Side boundaries at the front are a mixture of low hedging and fencing up to approximately 1.5m in height with some northern boundary planting.

to the rear, side boundaries are a 2.5m hedge to the south with some outbuildings on the boundary closest to the dwelling. To the north the boundary is 1.5m panel fence closest to the house and a hedge of approximately 2m in

height further away.

SITE CHARACTERISTICS

The site is occupied by one of a pair of semi-detached bungalows and is on the west side of Rose Green Road. The site has a vehicular access and completely hard surface front garden area. To the side there is a lean to store and there are 2 small sheds adjacent to the south side boundary. The bungalow has rooms in the roof lit by velux roof lights.

CHARACTER OF LOCALITY

The area is characterised by a mixture of residential and commercial development. Either side of the site are bungalows. Opposite the site are shops. To the south and also opposite is two-storey residential and to the on the same west side as the site are other retail/commercial units. The general appearance of the area is mixed in terms of design and materials. The highway has on street parking restrictions and parking bays.

RELEVANT SITE HISTORY

N/A

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council wishes to make no comments on the proposal.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Consultations responses received:

WSCC Highways raises no objection and comments:

Apart from the internal changes to create a shop floor (28sqm), and new residential extension, no changes will be made to the access of the property. The access drive leads to 3 car parking spaces, and there is also plenty of on-street parking should the shop attract more than 3 customers in any given period.

Visibility from the existing access is good; depending on the type of vegetation in place along the front wall it may be necessary to keep this as low as the wall to encourage forward visibility into the parking area from the highway.

Considering its location amongst other shops and businesses it is likely that many of the trips to the shop will be linked with other shopping related activities and as such WSCC do not consider the change of use to have any material impact on the highway network.

During the construction of the shop and extension all building materials, skips and plant must not be stored on the highway and kept within the plot of no 19. To ensure the highway is kept free of any obstructions.

This Council's Environmental Health Officer raises no objections and has no comments.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Class C Road

No Local Plan Designation

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[DEV19](#)
[GEN12](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
Parking in New Development
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication'

of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Aldwick does not have a Neighbourhood Area designation and has not prepared a Neighbourhood Plan.

In January 2014 this Council endorsed Aldwick Village Design Statement as a material planning consideration.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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

There can be no objection in principle to the proposed change of use or to the proposed rear

extension, since the site is within the built up area. The site is located in an area close to public transport routes and is therefore considered to be in a sustainable location. It is likely that visits to the premises will often be combined with visits to other shops and therefore this will further add to the sustainability of the use and also result in lessened parking impact/demand. Parking is considered to be satisfactory, since there are at least 3 on site car spaces and in addition, on-street parking bays.

The area has a commercial/retail character and there is no restriction on business use in the Adopted or Emerging local Plans. The use would not be particularly isolated, since there are retails and other non-residential uses in the very immediate vicinity.

There will be an increase in pedestrian and vehicle movements to and from the site, but these are not considered to result in a significant impact on the amenity of adjoining occupiers. The area is already significantly non-residential and has a relatively busy character in terms of pedestrians and vehicle movements. It is however considered that it would be appropriate to control the use of the premises within Class A1, Retail and to control change of use to other uses by means of a planning condition. This would enable the potential impact of uses which might not require planning permission on the amenity of adjoining occupiers to be assessed and controlled.

The proposed use would also contribute to the vitality and viability of this more business/commercial area of Aldwick by increasing the range of retailing and therefore the potential number of shoppers. The use is therefore consistent with the NPPF in that it contributes to the economy and to vitality.

The proposed rear extension does encroach into the 45 degree outlook from the centre of the nearest window of the adjoining dwelling to the north by 1.9m, although the majority of the extension (3.4m in depth) does not. The south facing openings in the extension are well screened from the adjoining dwelling by existing boundary planting and will not result in privacy loss. A proposed small window in the north facing elevation has a 1.8m cill level and will not result in overlooking or privacy loss. The adjoining occupier has not objected to this window.

It is considered that the use of the mansard roof significantly mitigates the impact of the extension on the adjoining occupier to the north in terms of outlook and light. On its own, this issue is not considered to result in detriment such that planning permission ought to be refused.

It is therefore recommended that planning permission is granted with the conditions set out in this report.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

2 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).

3 The development hereby approved shall be carried out in accordance with the following approved drawings:

Reference Number 5051, Sheet 2, Site Block Plan, Dated Jan 15.

Reference Number 5051, Sheet 6, Proposed Ground Floor Plan, Dated Jan 15.

Reference Number 5051, Sheet 7, Proposed Elevations, Dated Jan 15.

Reference Number 5051, Sheet 8, Proposed Elevations, Dated Jan 15.

Reference Number 5051, Sheet 9, Roof Plan, Dated Jan 15.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 Notwithstanding the provisions of any Town & Country Planning General Development Order or Use Classes Order, the retail use hereby permitted shall be restricted to fabric

and haberdashery retailing only within Class A1, Retail and shall extend in floor area only to the extent shown on approved Drawing Dumber 5051, Sheet 6, Dated Jan 15.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative or increased use on the amenities of adjoining occupiers, in accordance with Arun District Local Plan policy GEN7 of the Arun District Local Plan.

- 5 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.