

Recommendation Report for Planning Permission

REF NO: AW/289/19/PL

LOCATION: 19 Rose Green Road
Aldwick
PO21 3EU

PROPOSAL: Demolition of existing rear conservatory & change of use of existing shop (A1 Shops) to dwelling (C3 Dwelling House), new single storey rear extension & dormer to rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove an existing conservatory and replace with an extension and rear dormer. It also seeks to change the use of a room within the host building from A1 to C3. The remaining property is to remain as C3.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is a low level brick wall which runs along the front of the property with fencing and hedging to the side and rear.
SITE CHARACTERISTICS	The site is occupied by a chalet bungalow. One of the rooms within the dwelling has been used as a shop (A1) selling fabric.
CHARACTER OF LOCALITY	The area is mixed in use with both residential and commercial properties within the vicinity.

RELEVANT SITE HISTORY

AW/14/15/PL	Change of use of existing lounge/dining area to retail (A1 Shops) together with new residential extension to rear.	ApproveConditionally 30-03-15
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Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council
No objection
No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Request conditons relating to

- Hours of Construction
- No development to take place before a Construction plan is submitted.
- Details to be submitted for external lighting
- Condition relating to asbestos in commercial buildings.
- Informatives relating to noise and burning on site.

Economic Development - No objection

COMMENTS ON CONSULTATION RESPONSES:

Noted. Due to the scale of development which consists of an extension and dormer similar to that which can be completed under Permitted Development, a condition relating to construction hours and plans is not reasonable. The building has predominately remained as C3 and with the change of use internal, again conditions proposed are not necessary.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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

PRINCIPLE

The key policies considered are DDM1, DDM4 and RETSP1 of the Arun Local Plan.

Aldwick does not have a Neighbourhood Plan however does a Parish Design Statement which is of relevance to the application. The property is located within Area 7.

DESIGN AND VISUAL AMENITY

The proposal may be slightly visible from the street scene due to the development extending beyond the side elevation of the dwelling, however this is minimal at 1m and set 17m behind the front boundary.

The proposed single storey extension by virtue of its size, location and design is considered to appear subservient to the host dwelling. With the use of matching materials, the proposal is also considered sympathetic in appearance to the host dwelling.

The proposal also changes the use of a room which has been used as A1 to C3 use. The change of use from A1 to C3 will not result in any alterations to the external appearance of the property and as such will not be visible from the wider area.

The development proposed due to the siting is not considered to adversely impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

CHANGE OF USE

Whilst there has been no evident marketing of the shop for other retail uses, due to the layout with the shop being located within a residential property, it is not considered reasonable to ensure this and is most practical to change the use to such that will form 1No. residential dwelling. The proposal is considered to maintain the hierarchy of the area and comply with policy RETSP1 of the Arun Local Plan. It is also not considered to adversely impact upon neighbouring amenity with the use matching that of surrounding properties in the area.

RESIDENTIAL AMENITY

The single storey rear extension will have a depth of approximately 5.5m and will run along the rear of the dwelling retaining around 2.2m to the northern boundary. It will extend slightly beyond the side elevation to the south by approximately 1m. It will have a flat roof height of approximately 3m and 3.5m with lantern.

Due to the siting and depth, the proposed rear extension does slightly breach the 45 degree line when draw from the centre of the nearest window of the adjoining dwelling to the north. However, this is minimal and with 2.2m separation to the boundary, impacts are not considered significant. The extension also does not increase in depth from that which was previously approved and an extension could be constructed up to this depth with prior approval with no objections from the neighbours and with no representation received objecting to the development, the development is considered acceptable.

There will be no windows to the northern elevation, however there will be 1 to the south. There are currently 2 windows to the side elevation of the neighbouring property at No. 17 however due to the boundary treatment in place and at single storey, the window is not considered to give rise to overlooking that is not currently achievable.

A dormer will also be constructed to the rear of the dwelling and will run the full width, however if the change of use took place without the dormer being part of the proposal it is likely to be permitted development. The dormer will give rise to views over the neighbouring gardens, however with no direct views into neighbouring properties is not considered to give rise to adverse overlooking.

The development proposed and change of use is not considered to harm neighbouring occupiers by way of overbearing, overlooking or overshadowing and accord with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The proposed development is considered to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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) 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 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

APPROVE CONDITIONALLY

- 1 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).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans
 - Proposed Block Plan - PL08
 - Proposed Section A-A - PL07
 - Proposed Elevations - PL06
 - Proposed First Floor Plan - PL05
 - Proposed Ground Floor Plan - PL04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 **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 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.