

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

REF NO: AW/368/17/HH

LOCATION: 44 Christchurch Crescent
Aldwick
PO21 5SJ

PROPOSAL: Alterations to create an elderly persons annexe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The property is currently used as two separate dwellings which is an unauthorised use. The application is to convert the unit into one dwelling with an attached 'granny annexe' by creating an internal link between the two buildings. The rear garage would also be demolished and replaced with planting, two parasols and hardstanding. The driveway would be made wider with two additional parking spaces and paving removed to front to be replaced by lawn. A 1m wooden fence with shallow access ramp to front.
SITE AREA	0.05 hectares/ 514m ² .
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Low red brick wall to front (south west) and north east (side) 1.8m fence to north west (rear) and south west (side).
SITE CHARACTERISTICS	Single storey semi-detached bungalow with side extension (currently used as an unauthorised separate dwelling) open plan garden to front and side and driveway to side leading to garage at rear with garden.
CHARACTER OF LOCALITY	Open plan estate formed of detached and semi-detached bungalows set back from the road with off street parking.

RELEVANT SITE HISTORY

AW/250/12/	Single storey side extension	ApproveConditionally 15-11-12
AW/188/09/CLP	Application for a Certificate of Lawfulness for a proposed replacement conservatory	PP Not Required 25-11-09

Side extension (currently used as separate dwelling) granted conditional approval in 2012. More recently the extension has been used as a separate dwelling without the benefit of planning permission.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Objection.

Members strongly objected to the application on the grounds that the proposed extension does not sympathetically relate to and is not visually integrated with, the existing building in siting, design, form, scale and materials; and because the proposed extension would compromise the established spatial character and pattern of the street. Therefore Members agreed that the application is in direct conflict with Policy Dev 19 (i) and (v) of the Arun District Local Plan (2003) and with the Parish Design Statement (Page 71).

5 letters of representation received, objecting on the grounds of:-

- lack of off street parking
- bin storage and log store to front are out of character with the area
- permission should not be granted for a new house
- overdevelopment of the site

Leader of the Council requested the application was called in to committee which was agreed by the Chairman of Committee. This objected on the grounds of overdevelopment of the site and that the current use as two dwellings was unauthorised.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The side extension already has planning permission and is considered to comply with DEV19 (i) and (v) as it was when permission was granted in 2012 and is acceptable in terms of visual amenity, the extension is set down from the main house and of materials similar to the host dwelling.

The development would create 4 parking spaces parked in a tandem of two. This meets parking requirements for a 4 bedroom dwelling set out in T SP1 and required by WSCC.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

No consultations made.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.

Open plan condition.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

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 District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The most recent examination resulted in the production of Main Modifications and consultation on this version of the plan has now closed. The Inspector is likely to inform the Council if the plan is sound by Spring 2018. Formal adoption would take place after this if the plan is found sound.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Aldwick Parish is not preparing a NDP but has an adopted Parish Design Statement which is a material 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

Principle

The principle of development is considered to be acceptable as the site is within the built up area boundary in compliance with saved Arun Local Plan policy GEN2.

Visual amenity

The building itself will not change significantly, externally. A new UPVC front door with open porch and UPVC central window to front are proposed which are considered to be in character with the main house. The side extension was granted planning permission in 2012 under the same saved Local Plan policies being considered currently. The, access ramp 1m fence to front of the logs store and seat to front is set back from the front boundary of the site so is not considered to impinge on the open character of the street. The new hard surface to create 2 additional parking spaces and removal of paving to front would have a modest impact on the visual amenity of the area.

Overall the alterations to the outside of the property are considered to comply with relevant policies GEN7(ii) and Area 15 of the Aldwick Parish Design Statement.

Neighbour Amenity

The impact on neighbouring residential amenity would be limited as the external alterations would not increase the scale of the building and the external alterations are modest. The use of the annexe by a dependent relative and house together is not considered likely to create noise and disturbance significantly over and above that of a single dwelling. Therefore, it is not considered the development would have a detrimental impact on residential amenity and meet the aims of saved policy GEN7 (iv) and (v).

Parking

The development would create a 4 bedroom dwelling, two in the main house and two in the dependent relative annexe. Four off street parking spaces are proposed which meets the requirements of West Sussex County Council Parking Standards and emerging Arun Local Plan policy T SP1. It is not considered the development would create significant parking generation which could mean significant on street parking pressure.

The application is recommended for conditional approval with a development and completion condition for 1 year. The current use is unauthorised and the Council wish to be able to ensure the breach of planning control is ceased in an efficient but reasonable timescale.

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 positive impact on the protected characteristics as a disabled access ramp is proposed.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun and completed before the expiration of 1 year from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and allow the Council to efficiently cease the current breach of planning control.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

DRG NO 040-01B

DRG NO 640-02C

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.

- 3 The materials and finishes of the of the development to the main house hereby permitted shall match in colour and texture those of the existing dwelling.

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

- 4 The annexe accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 44 Christchurch Crescent, Aldwick as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.