

Recommendation Report for Planning Permission

REF NO: EP/160/20/PL

LOCATION: 16 Worthing Road
East Preston
BN16 1AZ

PROPOSAL: Variation of condition 2-plans condition, imposed under EP/121/17/PL relating to proposed floor plans, elevations & site plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the amended internal layout in the roof area of the approved block of flats comprising 6 no 2 bedroom flats over 2 floors, plus the roof area and the provision of additional roof lights within the internal roof slopes. 9 parking spaces are provided on the site frontage. The differences between the 2 schemes are set out in the site history section of the report.
SITE AREA	1,156 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	52 dwellings per hectare
BOUNDARY TREATMENT	Fencing and hedging to side and rear boundary. 1m high flint walling to site frontage
SITE CHARACTERISTICS	The application site comprises a building site. The approved units are nearing completion.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with detached properties of mainly 2 storeys set in medium plots set back from the highway with gardens to front, side and rear within an urban environment. 2 and a half storey flats with brick and rendered elevations occupy the site immediately to the east

RELEVANT SITE HISTORY

EP/109/19/PL	Variation of a condition following grant of planning permission EP/121/17/PL relating to condition no.2 amended plans including amended and relocated footprint & amended massing.	ApproveConditionally 18-12-19
EP/121/17/PL	Demolition of existing dwelling & construction of 6no. new flats and associated external works and storage	ApproveConditionally 25-10-17

EP/26/08/ Erection of 12 no 2 bedroom apartments comprising 2 no App Cond with S106
 separate buildings. Formation of vehicular access and 27-11-08
 alteration to highway together with the provision of on-
 site parking & cycle store.
 (Resubmission following EP/165/07)

Planning permission EP/26/08 granted permission for the site to the east to be redeveloped as 6 flats.
 Planning permission EP/121/17/PL granted permission for a block of flats comprising 6 no 2 bedroom
 flats over 2 floors with 9 parking spaces.

EP/109/19/PL granted permission for an amended design to reduce and amend the footprint and
 relocation of the approved block slightly closer to the site frontage and 1.5m closer to the boundary with
 no 18. The approval included 4 additional roof lights and an additional window at ground and first floor in
 the West elevation. This proposal was not implemented.

This proposal relates to the first floor and roof area only. The number of bedrooms within the first floor
 and roof area have not increased, but the floor areas of the bedrooms is increased by retaining bedroom
 2 at first floor and utilising the floor areas of both first floor bedrooms previously approved and then
 relocating bedroom 1 to the roof area. There are 3 internal facing rooflights to most of the top floor flats
 incorporated within the roof slopes.

REPRESENTATIONS

East Preston Parish Council - No Objection

One Objection.

- Additional light pollution within Copse View.
- Additional levels of noise resulting from residential occupation of the loft.

COMMENTS ON REPRESENTATIONS RECEIVED:

The increase in noise and light levels would not result in a material increase in noise and light generation
 from the premises. The additional roof lights are located within the inner facing roof slopes.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

- none

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within 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
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 1](#)

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 4

Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village 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 relevant policies in the East Preston Neighbourhood Plan have been taken into account.

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 be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun Local Plan policies D DM1 and D SP1 and Neighbourhood Plan policies 1 and 4 which seek to prevent development that would have an adverse

impact upon visual and residential amenities and the character of the area.

The proposal seeks consent to allow for internal amendments to flats 4, 5 & 6 to create 'rooms in the roof' of the flats to increase usable floor areas within the flats to facilitate working from home, without increasing the number of bedrooms. No external alterations have been made except the addition of a number of rooflights, which have all been located mainly within the inner roof pitches and on the western elevation.

DESIGN AND VISUAL AMENITY

The site lies on a residential road and backs onto Langmeads recreation ground. It is readily visible from the road frontage, but is screened by trees to the rear. The adjoining site to the east has been redeveloped as 2 and a half storey flats and the site to the west although a single dwelling house has been extended significantly recently.

The only external changes to the development are the provision of mainly inward facing rooflights and 3 in the west elevation most of which would not be readily visible from outside the site and would have no adverse impact on the visual amenities of the locality. Given the limited extent of external changes the alterations would accord with the requirements of Policy 1 : Housing - General Principles and Policy 4: Design in Character Area Three of the East Preston Neighbourhood Plan and D DM1 and D SP1 of Arun Local Plan.

The approved outside amenity space and parking, cycle and bin storage are unaffected by the proposal. There are no proposed changes to the site layout.

RESIDENTIAL AMENITY

The position of the development in relation to site boundaries, footprint and height are not altered from the 2017 permission. The only issues that can be considered from an amenity point of view are the impact of the rooflights on neighbours privacy and the internal space standards for future occupiers.

The proposal includes additional roof lights for each flat inserted in the inward facing roof slopes.

The agent has provided cross section details of the second floor to indicate relative cill heights. Only 3 of the windows face the side elevations of the adjacent garden and dwelling at no 18, 2 to the front of the west elevation over looking the front garden where privacy would not be expected and one to the rear which serves an en-suite. The bathroom windows have a cill height of 1.27m and are conditioned to be obscure glazed and the bedrooms have a cill height of 1.7m which would in any case be sufficient to prevent adverse overlooking and loss of privacy. The windows at first floor level on the east elevation were approved as bedroom windows under EP/121/17PL and are controlled by condition 9 of the original approval to be obscure glazed below 1.7m. They are to remain as bedroom bedrooms under the amended layout.

In terms of amenity space Flats 1, 2 and 3 are unaltered. Flat 4 now has an overall internal floor area of: 85.92m², Flat 5 of 97.4m² and Flat 6 87.8m². These all meet the standards for 2 bed 4 person accommodation and are compliant with policy D DM2 of Arun Local Plan.

HIGHWAYS & PARKING

The parking provision and site access are unaffected by the proposal. Each flat still has 2 bedrooms. There is an increase in the floor space to the upstairs flats, but no increase in bedroom numbers. WSCC have been consulted in relation to the proposed development and have no objection to the proposal in terms of highway safety or parking provision.

SUMMARY

In accordance with the above considerations of the proposed development it is recommended that this application is approved subject to the following conditions

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 approved shall be carried out in accordance with the following approved plans :

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

Location and Block 2.06

Proposed Site Plan 2.01 rev D

Proposed Floor Plans 2.02 rev E

Proposed Development Elevations 2.03 rev F

Proposed Development Site Section and Street Elevation 2.04 rev E

Visibility Splays 2.07

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 The bathroom windows to flat 5 in the roof on the west elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor height..

Reason: To protect the amenities and privacy of the adjoining property in accordance with

policy D DM1 of the Arun Local Plan.

- 3 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission EP/121/17/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number EP/121/17/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 4 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.