

Recommendation Report for Planning Permission

REF NO: FP/70/19/PL

LOCATION: 19 Rife Way
Felpham
PO22 7BN

PROPOSAL: Change of use of 2 No. flats into 1 No. dwellinghouse.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to change the use of the property which is currently arranged as 2No. flats to 1 No. dwelling.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property is open to the front with access to a garage. The side and rear boundaries consist of sufficient hedging of a minimum 2m in height.
SITE CHARACTERISTICS	The site is occupied by a detached chalet bungalow with a dormer to the north elevation. There is also a detached garage to the front garden with driveway access.
CHARACTER OF LOCALITY	The area is predominately residential.

RELEVANT SITE HISTORY

FP/259/18/CLP	Lawful development certificate for the proposed change of 2 No. flats into 1 No. dwelling.	PP Required 25-03-19
FG/131/04/	Kitchen and utility room extensions including a W.C	ApproveConditionally 29-10-04
FG/105/03/	Kitchen & porch extension to include w.c	ApproveConditionally 12-09-03

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council provided no objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - The property is located relatively close to the B2259 Felpham Way. Noise could potentially affect the amenity of residential occupiers. The following condition should be included relating to the submission of an acoustic assessment to determine the impact of the road on the property before development commences.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The property is located within an established residential area and has been occupied as both an individual dwellinghouse and flats for a number of years prior to this application. It is therefore unnecessary to apply this condition.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICES

[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)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Felpham Parish Council has a 'made' Neighbourhood Plan with policy ESD1 of relevance to the application. The proposal complies with this policy.

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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Felpham Parish Council has a 'made' Neighbourhood Plan with policy ESD1 of relevance to the application. The proposal complies with this policy.

DESIGN AND VISUAL AMENITY

The property seeks to convert the property from 2No. flats to 1No. dwelling. The first floor is arranged as the 2nd flat and the conversion would not result in any changes to the external appearance of the dwelling.

The dwelling is situated within an established residential area and as the building will retain its existing appearance, the change of use is not considered to impact the spatial pattern or character of the area and accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The changes to the building will only involve internal alterations and therefore with no new windows or doors proposed, the change of use is not considered to give rise to an increase in adverse overlooking upon neighbouring amenity. It is also not considered the use would be intensified from that which already occurs and therefore impacts such as noise are not considered to significantly increase than that which is already achieved.

It is not considered that the change of use would result in any additional adverse impacts upon neighbouring amenity and as such is in accordance with DDM1 and DDM4 of the Arun Local Plan.

PARKING

The dwelling currently has a detached garage and driveway access with sufficient space for 2-3 cars. There is also sufficient space to the front garden should there be a need for additional parking. There is not considered be any adverse parking or highway issues as a result of the development.

SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance. It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for use as a single dwelling.

The dwelling is two storey and has 4 bedrooms. Bedrooms 1-3 fall within the required sizes for double bedrooms whilst bedroom 3 would have a floor space of approx. 9.5m² and therefore is considered suitable for a single bed. The property would therefore be considered 4B7P and have a floor space of approximately 147m² and therefore be well within the space standards required as shown below.

Beds	Persons	Required
4b	5p	97m ²
	6p	106m ²
	7p	115m ²
	8p	124m ²

SUMMARY

The proposed development is deemed 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
 - Location and Block Plan - 02
 - Proposed Floor and Elevations - 190021 02

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.