

Recommendation Report for Planning Permission

REF NO: K/39/20/PL

LOCATION: Panorama
Golden Acre
Kingston
BN16 1QP

PROPOSAL: Conversion of two flats into a single dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. There are no external changes to the property proposed.
SITE AREA	0.19 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	High fence, hedgeing and brick walling.
SITE CHARACTERISTICS	A two storey building divided into two flats.
CHARACTER OF LOCALITY	A predominantly residential area close to the beach front in Kingston.

RELEVANT SITE HISTORY

K/15/87	Reinstatement of first floor accommodation to comprise two bedroomed self contained flat with balcony	ApproveConditionally 27-07-87
K/11/12/	Conversion of 2 no. flats to 1 no. dwelling to include extensions & a detached garage	Refused 28-09-12 Appeal: Allowed+Conditions 11-07-13

Planning permission to combine the two flats into one dwelling was granted on appeal.

REPRESENTATIONS

Kingston Parish Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/a.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN

PD RESTRICTION

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

Kingston Neighbourhood Plan 2014 Policy KPNP1	The Presumption in Favour of Sustainable Development
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Kingston Neighbourhood Plan 2014 Policy KPNP2	BUILT-UP AREA BOUNDARY
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Kingston Neighbourhood Plan 2014 Policy KPNP7	DESIGN & DEVELOPMENT
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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.

Policies KPNP 1,2 and 7 of the Kingston Neighbourhood Development Plan apply to this application,

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 there would be no impact on the external appearance of the building and the residential amenities of neighbouring properties would not be affected as a result.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. Policies KPNP 1 and 2 of Kingston Neighbourhood Plan support housing development within the built up area boundary.

The key policy considerations in the determination of this application are policies DDM1 and DDM4 of the Arun Local Plan and the National Planning Policy Framework and policy KPNP 7 of the Kingston Neighbourhood Plan.

There are no planning policies that specifically relate to the combination of 2 residential units into 1 unit. The Council cannot meet its Housing Land Supply requirement and thus it is regrettable that a housing unit. However, this is not a sustainable reason for refusal given that it is a nominal change and permission has been granted in the past for combination to 1 unit.

DESIGN AND VISUAL AMENITY

Policy D DM1 - Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

1. Character
2. Appearance/attractiveness
3. Impact

Policy D SP1 requires that development proposals should 'reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.'

Policy D DM4 requires that the extension or alteration sympathetically relates to and is visually integrated with the existing building in siting, massing, design, form, scale and materials and that the extension or alteration is visually subservient to the main building.

Policy KPNP 7 Design and Development supports alterations where the character of the existing building is maintained.

The amalgamation of two flats to one house does not involve any external changes to the building. This is considered to have no significant visual impact on the building in its local context.

The visual amenities of the area would be retained as a result of the proposed scheme and the character of the area would remain unaltered in accordance with policies DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The development would not alter the window positions of the existing two flats and would have no additional impact on the residential amenity of any neighbouring properties.

By virtue of its design, orientation and location the proposed alterations to the building would not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon the residential amenity of neighbouring properties. Therefore, it is considered that the proposal would accord with policies DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The impact of the combination of 2 flats to 1 dwelling with no impact on the external appearance of the building is considered to be acceptable and in accordance with the Arun Local Plan and Kingston Neighbourhood Plan and is recommended for approval 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 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 Ground Floor Plan dwg.no. 121 dated 08.06.2020
Proposed First Floor Plan dwg.no.122 dated 08.06.2020
Proposed Roof Plan dwg.no.123 dated 08.06.2020
Proposed South Elevation dwg.no. 221 dated 04.06.2020

Proposed North Elevation dwg.no.220 dated 04.06.2020
Proposed West Elevation dwg.no. 223 dated 17.07.2020
Proposed East Elevation dwg.no.222 dated 08.06.2020

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.