

Recommendation Report for Planning Permission

REF NO: LU/104/13/

LOCATION: 1 Willow Brook
Wick
Littlehampton

PROPOSAL: Erection of a 3 Storey Building to Create 3 x 1 Bedroom Flats

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to extension of the existing building on its south side measuring 6 metres x 10.3 metres with a height of 8.3 metres. The extension would comprise 3 x 1 bedroom flats. One on each floor. The entrance to 1 Willow Brook would be reconfigured and the garage would be converted to a kitchen/dining room and hall. Tile hanging and facing brickwork on the extension would match the existing property.
SITE AREA	205 square metres
RESIDENTIAL DEVELOPMENT DENSITY	146 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	A large tree on Stean Furlong boundary (Ash) and a smaller Silver Birch would be removed by the proposed development. Both will become large trees in time and are close to residential properties. Whilst they are readily visible in the street scene neither are considered to be worthy of retention.
BOUNDARY TREATMENT	Open to Willow Brook, some hedging and a tree on Stean Furlong frontage (Ash)
SITE CHARACTERISTICS	Flat roofed 3 storey semi-detached property on a corner location. Brick elevation fronting Stean Furlong. Tile hanging, cladding and brickwork to Willow Brook.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of 2 and 3 storey properties mainly terraced. 3 storey development is restricted to the corner location.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:
Littlehampton Town Council

Objection - Comments made in relation to building line by applicant are questioned. The building constitutes over development of the site which would exacerbate parking problems in the area.

4 letters of objection - Parking is already very limited. Potentially 6 additional cars would cause additional problems. Proposed cycle parking is likely to be vandalised in this location. Loss of light to adjoining property. Improved visibility resulting from tree removal is not necessary since the roads only serve cul-de-sacs. Juliette balconies and other fenestration details are not in keeping. Potential noise problems would result to adjacent property. Drainage problems exist in the locality. Noise and disruption would result from building works. Loss of amenity area where children play.

Comments on Representations received:

The site is not allocated as play area. County Highways have been consulted on the application and have no objection. Secure covered cycle parking provision is required as part of the proposal. It is agreed that Juliette balconies are not in keeping. The proposed boundary walling would be 1.8 metres high, lower than the height that could be erected as permitted development. The property would not extend behind the rear elevation of no.3 and therefore there would be no materially adverse overlooking or overbearing effects resulting to the adjoining occupier.

The comments relating to building line are agreed. No 33 is at the end of a cul de sac. The building would extend forwards of nos 2-12.

Noise resulting from building works is not a material planning consideration and sound insulation between walls in the new property and existing would be covered by Building Regulations.

CONSULTATIONS

Economic Regeneration
Planning and Housing Strategy
WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

County Highways - No Objection. There is a nil parking provision, but the site is sustainably located. Request cycle parking is included as a condition.

Engineers - No Objection. Condition requested.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN9](#)
[GEN12](#)

The Form of New Development
Foul and Surface Water Drainage
Parking in New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

The site lies within the built up area boundary where residential development is acceptable in principle subject to there being no adverse effect on residential or visual amenity.

The proposal would extend the existing end of terrace property, at 3 storey height, forward into what is currently an open area at the junction of Stean Furlong and Willow Brook. This area provides a visual gap between the highway and the terrace which is characteristic of this relatively high density residential area. Numbers 2-12 Stean Furlong are similarly set back from the frontage with Stean Furlong. The proposed development would project forward of this terrace and would be discordant and visually obtrusive in the street scene, eroding the character and spacious appearance of the street scene. The width of the extension would exceed that of the other

properties in the terrace and the extension would therefore appear as a bulky and overly prominent extension out of keeping with the existing pattern of development in the locality. The proposed Juliette balconies and doors and differing fenestration proportions on the rear elevation at first and second floor levels would be readily visible in the street scene and would further detract from the symmetry and pattern of development further detracting from the visual amenities of the locality.

The development would not extend beyond the rear elevation of no 1 Willow Brook and would not result in any materially adverse effects on residential amenity by reason of overlooking or overbearing effects. The proposed garden wall would not exceed the height that could be erected without planning permission and would be acceptable.

The proposal generates the requirement for affordable housing contributions and an Agreement relating to a commuted sum of £3,312 was submitted with the application.

The application is therefore recommended for refusal for the following reason.

HUMAN RIGHTS ACT

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 The proposed building by reason of its siting, height, width, scale and fenestration details would have an unacceptable detrimental impact on the character and appearance of the street scene and at odds with the layout of the surrounding residential area in conflict with policies GEN7 of the Arun District Local Plan and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning

(Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.