Recommendation Report for Planning Permission

REF NO: LU/105/23/PL

LOCATION: Flat 9, The Regent Building
Terminus Road
Littlehampton
BN17 5BE

PROPOSAL: 1 No. replacement window on the first floor of the Northern elevation. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to install 1 No. replacement window on the first floor of the Northern elevation.
SITE CHARACTERISTICS	Four storey purpose built apartment block. Flat 9 is situated on the first floor.
CHARACTER OF LOCALITY	Predominantly residential.

None.

REPRESENTATIONS

Littlehampton Town Council - No objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built Up Area Boundary
2km Buffer for Site of Special Scientific Interest
Economic Growth Areas
CIL Charging Zone 4

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE
The key policies are D DM1 and D DM4 of the Arun Local Plan, and guidelines set by the Arun Design Guide

Littlehampton has a 'made' Neighbourhood Development Plan, however there are no policies of relevance to this application.

DESIGN AND VISUAL AMENITY
The proposal is to the front elevation of the property and will be visible from the street scene.

The development seeks to replace a window with another white UPVC casement window. This window will match the style, design and scale of the existing, and will have no impact on the visual appearance of the property. It will retain the character of the property, and the locality. Although being visible from the street scene, the window will have no impact on the composition or appearance of the area, and will have no harm to visual amenity.

The proposal is subservient to the design of the original building and is well integrated. The materials used will match that of the existing, and as such the alterations proposed will have very little impact on design and visual amenity.

The proposal complies with the Arun Design Guide in that the proposal responds to and complements the existing character and appearance of the dwelling.

The works are in keeping with the local character of the area and will have little impact on visual amenity. The proposal is in accord with D DM1 and D DM4 of the Arun Local Plan, and Arun Design Guide.

RESIDENTIAL AMENITY
As the alteration does not result in any change to the footprint or height of the buildings, the proposal is not considered to result in adverse overbearing or overshadowing of neighbouring properties. The work complies with D DM4 and will not result in any harm to residential amenity. The window will not result in any overlooking of neighbouring properties, and will have no harm to residential amenity.

Arun Design Guide states that developments should not negatively impact, and instead protect, neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings, and respond to existing elevations through the size and positioning of doors and windows. The proposal will not overlook, overbear, or overshadow neighbouring properties, and exhibits no features that pose adverse harm to residential amenity. This complies with the Design Guide.

The proposal will have minimal impact on residential amenity and is in accord with D DM1 and D DM4 of the Arun Local Plan, and Arun Design Guide.

SUMMARY
The proposed development is deemed to accord with the relevant development plan 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.

CIL DETAILS

This application is not CIL Liable.

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:

- Block Plan
- Location Plan

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.

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.