

Recommendation Report for Planning Permission

REF NO: LU/10/25/PL

LOCATION: 78 Wick Street  
Littlehampton  
BN17 7JS

PROPOSAL: Demolition of existing rear extension from shop and construction of a two-storey rear extension to enlarge the floorspace of the existing shop premises, with additional office/storage space on 1st floor, alterations to existing fenestrations, and alteration of existing shopfront layout, allowing for disabled access. This application is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	217sqm.
BOUNDARY TREATMENT	Neighbouring built form and close boarded fencing to north and south site boundaries, open boundary to east and building fronts onto street at west boundary.
SITE CHARACTERISTICS	The site is a long and narrow pre-developed site with a two-storey semi-detached building with a pitched roof and front a rear gable ends, painted brick walls, orange clay roof tiles, shop front to ground floor on west (front) elevation, and a single storey rear extension to the east. There are a large number of outbuildings that populate the rear of the, although some of which have and were being removed from the site at the time of the visit.
CHARACTER OF LOCALITY	The site is in a predominantly residential area with a dense urban grain, with local retail uses to the northwest (alongside the host and neighbour), an MOT centre a couple of doors up to the north, and the Wick Hall events venue immediately to the south.

None of significance.

**REPRESENTATIONS**

Littlehampton Town Council - No objection.

No representations from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No objection.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

Built-up Area Boundary.

Outer edge of Archaeological Notification Area.

Outer edge of 2km Buffer Zone for Site of Special Scientific Interest.

**DEVELOPMENT PLAN POLICIES**Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
EMPDM1	EMP DM1 Employment Land: Development Management
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
HERSP1	HER SP1 The Historic Environment
HERDM6	HER DM6 Sites of Archaeological Interest

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
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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, 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 conflicts with relevant Development Plan policies in that it represents an visually unintegrated extension of the building that would have an unacceptable overbearing and overshadowing impact on a neighbouring property.

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.

#### BIODIVERSITY NET GAIN

This application was not liable for Biodiversity Net Gain (BNG).

#### CONCLUSIONS

##### PRINCIPLE

The site is an existing retail and residential unit within the Built-up Area Boundary and as such, the principle of development is accepted subject to consideration of relevant Development Plan policies in accordance with Policy SD SP2 of the Arun Local Plan (ALP), and Policy 2 of the Littlehampton Neighbourhood Development Plan (LNP).

The Arun Design Guide is of relevance.

##### DESIGN & VISUAL AMENITY

The proposal seeks to construct a 2-storey rear extension following the demolition of the single storey rear extension, alongside the reconfiguration of the shopfront and alteration of the existing fenestrations. The extensions would be constructed following the recent removal of a number of outbuildings within the rear of the site.

The reconfiguration of the shopfront would rationalise the frontage without jeopardising its character and is acceptable.

The alteration of existing fenestrations would not result in any significant change to their size or location and are white to feature white UPVC frames. These alterations are acceptable.

The proposed plans offer limited detail pertaining to the form and specific details of the external design of the building and simplify that of existing building. Materials for the extension have been specified as grey cladding and white uPVC windows, and the elevations show a flat roof design. The extension is large, of contrasting materials, and includes a flat roof design which is not in keeping with the existing pitched roof design. The proposed extension would not play a subservient, nor an integrated role with the host

building and would not be sympathetic to its character.

The extension would be visible from Wick Street when viewed from the front of Wick Hall but would have limited views from the remainder of Wick Street. It would however, be visible from Beaconsfield Road to the rear (east). By virtue of its scale, contrasting roof form and materials, the proposal would contrast the main building significantly and appear as a large, alien extension of the main building.

Whilst the scale of the extension is large and non-subservient, it would meet the existing rear building line of Wick Hall to the south, and built form to the rear of the site does not follow a uniform layout. The visual impacts of the extension would have limited harm on the wider area given the limited and distant views of the extension that would be available from the public realm, the presence of two-storey backland development, and the siting of Wick Hall further back in the plot.

The contrasting materials is partially mitigated by the mix of materials found in the locality, but given the scale of the proposal, extent of the contrasting materials, and lack of matching roof form, the extension would lack any meaningful integration with the main dwelling and appear as a building of two parts. Where the extension is visually accessible from the public realm, despite its distance or limited extent of views, it would appear unintegrated with the main building. Had the application been successful on other grounds, it is likely that matching materials for external walls would have been pursued in agreement with the applicant to remove reference to the use of cladding on the submitted floor plans and to ensure the extension was acceptably integrated to the main building.

Whilst the extension would not be compliant with policies D SP1, D DM1 & D DM4 of the ALP by virtue of its lack of subservience, the resultant harms to the character of the area would be mitigated in its context and not unacceptable. The lack of visual integration with the host building, primarily due to the use of contrasting materials, results in the extension appearing completely anomalous with the host building. Matching materials could have been sought had the application been acceptable on other grounds and would resolved concerns of the extension being unacceptably integrated, but as the application stands, the lack of visual integration is of such harm that is constitutes a reason for refusal.

#### EMPLOYMENT IMPACTS

The proposal seeks to expand the storage space afforded to the existing ground-floor retail unit and provide an on-site office/storage space at first floor to support its use. The proposal would also modernise the shopfront and make it more accessible for users with limited mobility.

The proposal is generally supported by Policy EMP DM1 of the ALP.

#### ECOLOGY & BIODIVERSITY NET GAIN

The site is located within the 2km Buffer for Site of Special Scientific Interest (SSSI). The site is an already developed site that is mostly built over and located within a dense urban area. The proposals would not involve any increase in height or loss of ecological features and would have no impact on the SSSI. The need for an appropriate assessment has been screened out and the proposal is in accordance with Policy ENV SP1 & ENV DM1 of the ALP.

The proposal falls within the de-minimis exemption for statutory biodiversity net gain and had the application have been successful, conditions would have likely been attached to secure minor ecological enhancements on site and contribute toward achieving a biodiversity net gain in line with Policy ENV DM5 of the ALP. The LPA have no evidence of any protected species on site, nor does the building indicate the presence of any from external viewing during the site visit.

The proposal is in accordance with policies ENV SP1, ENV DM1 & ENV DM5 of the ALP.

## NEIGHBOURING RESIDENTIAL AMENITY

The Wick Hall to the south is a non-residential unit understood to serve as a community use, and the single storey extension to the rear of No. 80 Wick Street is understood to be part of the Chinese takeaway unit. Overbearing and overshadowing impacts to these units are afforded minimal weight and are acceptable.

The proposal seeks a large two-storey rear extension that extends beyond the rear elevation of No. 80 (adjoining neighbour) by approx. 10m. The host property and its attached neighbour to the north run east to west and their rear elevations are east facing. It is understood that the first floor of 80 Wick Street is a residential flat (No. 80A). To the rear at first floor, No. 80A features a large clear glazed window, and a smaller, clear glazed, high-level window. The Local Planning Authority (LPA) have no cogent evidence of the layout of the neighbouring building, but it is reasonable to assume that the room the windows serve forms part of the residential flat. In which case, the larger window is likely to serve a habitable room given the limited number of openings to the first floor of the unit and that the larger window is a clear glazed. Whilst the applicant has advised they believe the room that the larger window serves is used for storage by its current owners, the LPA has a duty to protect the residential amenities of existing and future occupiers and the proposal would have a substantial overbearing and notable overshadowing impact on this opening based on its proximity, height, and the extent of its projection. It would restrict the outlook from this window significantly and reduce to overall residential amenity of the room in question. Whilst it is possible that the current owner utilises the space as storage at present, this is unconfirmed and in any case, outwardly, the room in question would appear to benefit from a lawful residential use and could likely be utilised as a habitable space by current or future occupiers without any significant works or any separate planning permission.

Section M.01 of the Arun Design Guide sets out guidance pertaining to two-storey extensions and how these should be designed to acceptably mitigate harms of overbearing/overshadowing to attached neighbour dwellings. This involves the use of the 45-degree rule illustrated within Figure No. 282 within Section M.01. The height of the extension in isolation relative to the neighbouring window in question is acceptable, but in combination with the unacceptable depth of the first-floor extension, the proposal would incur an unacceptable and unneighbourly overbearing, overshadowing, and outlook confining impact on the larger first-floor rear opening of No. 80A Wick Street.

The agent has proposed a revised design that reduces the depth of the first-floor component in favour of increasing the ground floor projection. These plans have not been accepted as they would constitute a substantial amendment of the proposal and would not fully address the outlined concerns. Compliance with the 45-degree rule should be considered in any re-design of the proposal.

The proposed extension introduces a number of new openings at ground floor which would have no overlooking impacts on neighbouring properties. However, the extension would involve the provision of a first-floor rear opening much further into the plot. Given the dense urban environment and that views of neighbouring rear amenity spaces would be oblique, the proposal would not have any unacceptable overlooking impacts on neighbouring properties.

The outlook of this window would be relatively close to the northwest corner of 'The Vicarage' to the east, but the section of amenity space overlooked forms a very limited section of the overall amenity space and based on the siting of patio and layout of the amenity space, it is clear the main enjoyment of the space would take place south of 'The Vicarage', the harms of overlooking impacts of toward this space are limited.

The proposal is not in accordance with Policies QE SP1, D DM1 or D DM4 of the ALP.

## ARCHAEOLOGY

The site is on the outskirts of an Archaeological Notification Area but no information identifying or assessing this has been submitted. The part of the site on which the extension would sit is mostly developed and has likely had significant excavations and foundations installed under approx. half of the proposed footprint. Given the limited extent of new footprint (approx. 20sqm), the already developed nature of the site, and that the site is on the outskirts of the Archaeological Notification Area, there is minimal likelihood of archaeological finds, and the Local Planning Authority are comfortable in proceeding without such an assessment.

Whilst not in strict accordance with Policy HER DM6 of the ALP, for the reasons outlined above, the lack of assessment.

## SUMMARY

The proposal would be an unintegrated extension of the building and would have an unacceptable overbearing and overshadowing impact on the neighbouring property 80A Wick Street in conflict with Policies QE SP1, D DM1 & D DM4 of the Arun Local Plan. As such, it is recommended for refusal.

## 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), 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 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 was not CIL liable.

## RECOMMENDATION

### REFUSE

- 1 The proposed extension would not visually integrate with the main building, resulting in a large, visually contrasting extension that is harmful to the character of the building and wider area in conflict with Policies D DM1 & D DM4 of the Arun Local Plan.

- 2 The proposal would have an unacceptable overbearing and overshadowing impact on the neighbouring property No. 80A Wick Street in conflict with Policies QE SP1, D DM1 & D DM4 of the Arun Local Plan.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 provide pre-application advice in respect of any future application for a revised development.