

REPORT UPDATE

Application No: LU/112/22/PL

Reason for the Update / Changes

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Condition requested from Environmental Health regarding hours of construction.

Comments from drainage confirming no conditions requested.

Officers Comment:

Condition has been included to the final list.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/112/22/PL

LOCATION: 135A Wick Street
Littlehampton
BN17 7JY

PROPOSAL: Extension to form 1 No studio flat at first floor level. This application is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks a first floor extension above a single storey flat roof to form 1No. studio flat. The application follows an unimplemented permission LU/290/16/PL.
BOUNDARY TREATMENT	The ground floor flat abuts the highway to the east and south. There is a fence and gate to the rear southern elevation.
SITE CHARACTERISTICS	The site is occupied by a flat roofed single storey apartment which adjoins 135 (formerly a shop) now converted into apartments which are accessed from the rear of 135A.
CHARACTER OF LOCALITY	The site is in a prominent location, on a corner in close proximity to the local shopping centre at Wick and visually forms part of the local parade of shops on Wick Street.

RELEVANT SITE HISTORY

LU/290/16/PL for the same proposal was approved in 2017.

REPRESENTATIONS

Littlehampton Town Council - objection

- The design by virtue of its scale and massing is an overdevelopment of the site.
- Detrimental impact on the neighbourhood.

1 letter of no objection

- The plot boundary is incorrect.

2 letters of objection from 1 nearby occupier.

- Site is not easily accessed.
- Vehicles could obscure views on the junction.
- No on street parking.
- No amenity space.
- Overdevelopment.
- Noise resulting from the use of the staircase.
- Dominating neighbouring buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. An amended plan was received following the comments regarding the plot boundary.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS (LHA)

The flat will not be provided with dedicated off street car parking. A studio flat would generate a parking demand for 2 vehicles. This will need to be accommodated safely on street in a nearby location in accordance with any existing Traffic Regulation Orders. It is extremely difficult to demonstrate that small scale increases in on street car parking demand will result in unacceptable highway safety concerns.

The Local Planning Authority (LPA) may wish to consider on street car parking amenity implications. Ideally the flat should be provided with a secure/covered cycle parking facility. The LHA does not consider the proposal would have and an unacceptable impact on highway safety.

DRAINAGE

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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.

The Littlehampton Neighbourhood Development Plan was made on 5/11/2014 and its policies are referred to in this report.

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

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

CONCLUSIONS

PRINCIPLE

The site lies in the built up area boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

In this case the key other Arun Local Plan policy are D SP1, D DM1, D DM4, D DM2 and T SP1.

Littlehampton Town Council have a made Neighbourhood Plan with policy 1 and 2 of relevance. The proposal compiles with these, being in the built up area boundary.

DESIGN AND VISUAL AMENITY

The proposal is on the corner of Wick Street and Courtwick Road and is highly visible from the wider area.

The proposal seeks a first floor pitched roof extension above a single storey flat roof. This extends the full length of the flat roof and the pitch of the roof will extend to match that the property to the north. An external staircase will be to the western end of the property to enable access to the first floor.

Built form in the area is varied in appearance and the proposal would not appear out of character when viewed from Wick Street and Courtwick Road. The design of the development appears well integrated with surrounding properties, with the scale and massing broadly matching the adjacent terraced dwelling at 135 Wick Street.

External materials consist of white render with mock Tudor detailing to the principal elevation to the east. This matches the front elevation of 135 which assists with integration in the street scene.

The Arun Design Guide encourages 'Integrating roof form with the existing dwelling, generally constructed at the same angle of pitch' and 'Incorporates architectural forms and features that predominate in the surrounding area.' Further it states 'New development should generally reflect the scale of existing buildings'. The proposal complies with the guidance in that the pitch of the roof is consistent with the pitch of the neighbouring dwelling which ensures it reflects the scale of the area.

By way of its design and appearance the proposal, which is in a prominent location, will not result in adverse harm on the character of the area in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal as a result of the siting of the extension and introduction of an external staircase would result in some adverse impact on the ground and first floor windows of the neighbouring apartments to the north at 135 Wick Street.

The property to the north at 135 is a two storey property with two storey flat roof element to the rear. This features a ground and first floor flat.

The ground floor flat has 2 south facing windows and 2 windows to the west. The south facing windows serve a lounge and kitchen. The council uses a 45 degree rule whereby loss of light and overbearing impact is assessed on the level of impact a development has from a line drawn at a 45 degree angle from the centre of an affected habitable room window.

The window located most centrally to the ground floor southern side, faces the single storey extension at 135A currently. It will lose some light and have a greater overbearing impact on it as a result of a first floor addition which will extend above.

The 2nd ground floor window would be intersected by the proposed external staircase, which is opposite, with a width of around 1m. However, the view from that window would not be significantly obscured. The existing ground floor apartment at 135A already intersects the window at a 45 degree angle and the deterioration in terms of loss of light and overbearing impact is marginal as compared to the existing.

The ground floor windows to the west are not affected by the proposal.

The southern windows to the ground floor flat would not result in significant harm, with the windows serving as secondary windows to the open plan living room/kitchen. The primary windows at the rear (west) of the property would be unaffected and ensure natural light is still obtained.

To the first floor flat, there are two south facing windows. One of the windows serves an obscured glazed hallway window. This window would be blocked by the first floor development whose north elevation and roof above would extend in close proximity, with around 1.3m separation. The impact does not affect a habitable room as it serves a hallway.

The 2nd south facing window is the primary window to the first floor flat serving an open plan living room/kitchen area. The staircase which enables access to the first floor will have an obscured glazed screen to the top of the stairwell to restrict views into the window which is located behind. This will have a height from the top of finished stair level of approximately 1.8m. As such this will partially block the view out of that window. The privacy of the window will be protected by the glazed screen and due to its opaque nature, a loss of light will be minimal. The development will have some adverse effect in terms of an overbearing impact.

There are 2 rooflights which serve the open plan living area which will remain unaffected.

The first floor southern facing window to the neighbouring flat will experience some overbearing impact caused by the development which alongside the glazed screening would intersect a 45 degree line drawn from the centre of the window. One of the panels of the window would be obscured entirely by the glazed panels at the top of the stairway. The development would protect privacy and provide an acceptable level of daylight into the primary first floor habitable room window concerned.

The Arun Design Guide states 'The scale and massing of all new housing should follow the 45-degree and 60-degree rules: minimising overshadowing and maximising privacy by keeping single-storey elements of neighbouring buildings within a 45-degree line and two-storey and higher elements within a 60-degree line taken from the edge of the nearest ground and first floor windows of habitable rooms in the neighbouring property.' The proposal conflicts with this, with the staircase intersecting a 45 and 60 degree angle when looking east.

The flat would introduce two south facing windows which would overlook the street scene. There will be 2 west facing windows. One of these serves a bathroom and will not give rise to overlooking. The other west facing window would not result in views into the lounge window of the top floor flat due to its position. There is a window to the gable end of No.2b although due to its size and the separation between the windows, it will not result in adverse overlooking.

The development would result in some adverse impact on neighbouring windows, in particular the overbearing impact on the primary habitable open plan living room/kitchen window to the rear first floor flat. It is a material consideration that the application is the same as that approved in 2017 and the impact of the proposal on neighbouring amenity has not changed since its previous assessment which was considered acceptable and a refusal in this application is not justified.

SPACE STANDARDS

The national guidance advises that for a single storey, 1 bed property the following minimum Gross Internal Area (GIA) standards apply:

1B1P = 39

1B2P- 50

The proposal provides 41sqm and complies with the guidance for a 1 person, 1 bed unit.

With regards to external amenity space, there are no policies in the ALP relating to garden sizes but the Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. sets out standards for garden sizes for flats as follows:

- Balconies a minimum of 3sqm of usable space.
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

With only one additional flat, communal shared space is not necessary. The proposal does demonstrate some limited provision for amenity space with a garden of 5sqm allocated for each flat. This is compliant with the Arun Design Guide. Given the nature of the site which is in relatively close proximity to the seafront and due to its district centre location, the provision is also not out of character with other properties and is acceptable.

PARKING

Regard should be had to paragraph 111 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Arun District has its own Parking Standards SPD (Jan 2020).

The ADC Parking Standards for a 1 bedroom property in this location (Parking Behaviour Zone 2) requires a minimum of 2 car parking spaces on site. The flat will not be provided any off street car parking and does not comply with the Parking Standards SPD.

The site is in a sustainable location, well served by public transport so that residents can walk, cycle, or take a bus to access shops, services, employment sources etc, which are in close proximity. There is a bus stop directly across the road and it is approximately a 10 minute walk to Littlehampton Railway

Station and Littlehampton High Street.

There is potential demand for additional on street parking. The level of this demand (2 spaces) is unlikely to result such pressure to on street parking that the amenity of the area would experience demonstrable harm.

WSSC have no objection and note cycle storage provision should be provided. Due to the size of the site, the ability to provide a secure and covered facility is constrained. The floor plan does demonstrate a bike space to the rear of the property underneath the staircase. Details for this will be secured by condition to encourage residents to use bicycles. As such, there is no conflict with policy T SP1.

SUMMARY

This proposal represents appropriate development of a dwelling without compromising the visual amenity of the area or amenities of neighbouring residential occupiers. All other relevant development plan policies have been complied with. As there are relevant development plan policies which are not out of date, the proposal is in accordance with the NPPF para 11(c) which states that development proposals that accord with an up-to-date development plan should be approved without delay. It is recommended the application be approved in accordance with 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.

- Location and Block Plan - TP.04 Rev C
- Proposed Elevations - TP.02 Rev C
- Proposed Floor Plan and Roof Plan - TP.01 Rev C

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 The two obscure glazed screens to the west and north elevations of the first floor external staircase landing shown on the approved plans (TP.02 Rev C) shall be installed prior to first use of the staircase and retained in perpetuity to a height of 1.8m from finished floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and T SP1 of the Arun Local Plan.

- 5 The development shall not be occupied until a scheme has been submitted a for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 6 Prior to installation of the staircase, details of the materials to be used in the construction of the staircase shall be submitted and approved by the Local Planning Authority. The details shall show how the staircase has been designed to minimise noise from the use of the staircase to neighbours.

Reasons: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Plan 2011 - 2031.

- 7 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.