

Recommendation Report for Planning Permission

REF NO: LU/154/17/PL

LOCATION: 32 Griffin Crescent
Littlehampton

PROPOSAL: Division of existing house to form a new separate dwelling. Reduce existing dwelling to its original size with new bedroom formed in new dormer and roof space.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the subdivision of the existing dwelling to create a separate 2 bedroom property. The proposal includes the alteration of the original dwellinghouse and proposed dwelling through the construction of a full width rear dormer and the alteration of the roof to create a half hipped roof.

SITE AREA

Approximately 304m².

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site consists of a low 0.5m high brick wall with the rear and side boundaries of the site consisting of close boarded fencing to approximately 2m in height.

SITE CHARACTERISTICS

The site is occupied by a semi-detached two storey dwelling constructed from brick with a hipped tiled roof. The property has previously been the subject of a two storey side extension.

CHARACTER OF LOCALITY

The character of the locality is residential and features properties of a similar design and style. The properties in the immediate locality are brick built semi-detached or terraced properties with hipped roofs.

RELEVANT SITE HISTORY

LU/305/06/

Two storey extension at side

ApproveConditionally

02-11-2006

Planning permission was granted under reference LU/305/06/ for the creation of a two storey side

report

extension.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 26th June 2017 and object to the application. On the grounds that the proposals will result in the creation of dwellings that are deficient in terms of external and internal space provision and do not therefore meet the current space standards.

Comments on Representations received:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health;
No comments.

Private Sector Housing;

If the property is to be rented it must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 hazards.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 and DEV19 of the Arun District Local Plan; D DM1, D DM2, D DM3 and D DM4 of the emerging Local Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed alterations to the roof of the existing dwelling are considered to have an unacceptably adverse impact upon the character of the host dwelling and the wider locality. Properties in the locality are characterised by their design with properties being of a similar construction and featuring hipped roofs. Even where two storey extensions have been approved this hipped roof construction has predominantly been retained. There is an example where at 10 Griffin Crescent this has not been the case and it is considered that this sets a strong precedent as to why such development would be inappropriate. Therefore, it is considered that the proposed alterations to the roof of the existing dwelling would have an unacceptable impact contrary to policy GEN7(ii) of the Arun District Local Plan.

The proposed dormer to the rear is not considered to adversely impact upon the spatial pattern or character of the area. A dormer window in this location could be constructed under Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) Order 2015 (as

amended) subject to its accordance with limitations. However, despite this it is considered that the proposed dormer by virtue of its location to the rear of the dwelling will not adversely impact upon the character of the existing dwelling or the wider locality. Although, it must be considered that given the size of the dormer it could only be constructed were the unsympathetic roof alterations to have been permitted.

INTERNAL/EXTERNAL SPACE STANDARDS

The proposed dwelling would have a gross internal floor area of approximately 70m² over three storeys. The dwelling would feature 2 bedrooms and it is presumed that by virtue of the room sizes it would provide living accommodation for up to 4 persons. However, it must be considered that bedroom 2 has a floor area of 10.4m² and as such for the purposes of the Nationally Described Space Standards (NDSS) must be considered as a 2 bed 3 person dwelling. Therefore, the proposed dwelling would accord with the requirements of the NDSS.

The host dwelling will be reduced in size given the conversion of the previously approved two storey side extension under reference LU/305/06/. Therefore, it is considered that the size of the dwelling would be acceptable and in accordance with the NDSS.

The rear garden is specified as having a total area of approximately 45m². Policy D DM3 of the emerging Local Plan seeks the provision of a 50sqm rear garden for a 2 bedroom terraced property. It is considered that the shortfall of private amenity space for the proposed development would be acceptable and would not provide adequate justification for refusal.

RESIDENTIAL AMENITY

The proposed alterations to the host dwelling and creation of a separate dwelling is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on the residential amenity of neighbouring properties. The proposed dormer window would give rise to overlooking comparable to that which can be expected from the first floor windows of any terraced or semi-detached residential property.

Similarly the proposed garden of the new dwelling would not be subject to unacceptably adverse overlooking from neighbouring properties. 2 Griffin Crescent to the west of the application site is situated 9m from the shared boundary with the proposed dwelling. Whilst, there would be views towards the rear elevation of the proposed dwelling this relationship already exists and it is considered that the proposal would not result in unsatisfactory living conditions for any future occupier.

SUMMARY

The proposed alterations to the roof of the existing dwelling would result in unacceptable harm to the character of the locality in conflict with policy GEN7(ii) of the Arun District Local Plan. Therefore, it is recommended that planning permission is refused for the reason below.

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 and 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 The creation of a dwelling through the alteration of the existing properties hipped roof to a half hip is considered to have an unacceptable incongruous impact upon the character and appearance of the existing dwelling as well as the character of the wider locality in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason 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.