

Recommendation Report for Planning Permission

REF NO: LU/163/20/PL

LOCATION: 6 Selborne Place
Selborne Road
Littlehampton
BN17 5NH

PROPOSAL: Demolition of existing rear conservatory, erection of single storey front & rear extensions & change of use from large HMO (Sui Generis) to 5 No. flats (4 net) (C3 Dwelling house). This application affects the character & appearance of the Littlehampton Seafront Conservation Area & may affect the setting of a listed building. This application is not CIL Liable as flats in Zone 4 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The housing mix is as follows:
3 x 1 beds
1 x 2 beds
1 x 3 beds

 The front extension would be infill, 4m deep, 3m wide, and would have a flat roof 3m in height. The rear extensions would be 4m deep and 4.6m wide, and 4m deep and 3m wide, respectively, and would have part flat/part pitched/gable end roofs with an eaves height of 3m and a ridge height of 4m.

 There would be a parking and bin storage area at the front of the building.

 There would be communal gardens at the rear of the building.

SITE AREA 0.06 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 83 dph.

BOUNDARY TREATMENT Low brick and flint wall with honeycomb tile topping, double timber vehicular gates and two large Chestnut trees to front boundary with Selborne Road. Side boundaries some timber fencing, brick and flint walls, honeycomb tiling, and vegetation. Medium height brick and flint wall and wooden pedestrian gate (and line of trees) to rear boundary with Irvine Road.

SITE CHARACTERISTICS Locally Listed Building, semi-detached, 4 storey building with brick and tile-hung elevations, decorative brickwork with honeycomb tile detailing and clay tile roof. White UPVC and timber doors and framed windows.

 Currently in use as a large 8-bedroom House in Multiple Occupancy (HMO). Enclosed front area laid to hardstanding

for parking and a rear garden.

CHARACTER OF LOCALITY

Within the Built-Up Area Boundary of Littlehampton town. In Littlehampton Sea Front Conservation Area. Primarily residential in character (with 1 restaurant 'Vardar' at no.3 and 4 and a children's nursery at no.5). Urban environment. Mixture of traditional semi-detached and terraced housing, post-war/modern houses and blocks of flats.

RELEVANT SITE HISTORY

LU/157/00/

Conservatory to south elevation

ApproveConditionally
25-07-00

REPRESENTATIONS

Littlehampton Town Council - Objection. Welcome proposed conversion of HMO to better standard of residential accommodation, and proposals are well-presented. However, significant concerns that some of the flats do not meet the minimum space standards as required by policy D DM2 of the Local Plan.

Arun District Conservation Area Advisory Panel:

Support. Stripped of the add-ons, the changes made to this fine Victorian house may enhance the Conservation Area.

1 comment was received, summarised as follows:

Although not ideal, the rear extensions seem an improvement on the existing conservatory. The front extension appears to make no difference to the front elevation. It is vital the materials used match the existing. It is a shame so much PVC has ended up in the windows over the years. Overall, as long as the details are right, it would seem unreasonable to object.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and matters addressed in Conclusions section of report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER: Proposed new rear extensions would result in less than substantial harm to character and appearance of heritage assets. In accordance with the National Planning Policy Framework (NPPF), the Local Planning Authority will need to consider the public benefits that the development may achieve along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ENVIRONMENTAL HEALTH: No objection subject to conditions.

PRIVATE SECTOR HOUSING OFFICER: Provides advice with regard fire safety, room sizes, ventilation, and other regulations. These could be added as planning conditions/informatives where

relevant.

COUNTY COUNCIL HIGHWAYS: No objection on grounds of highways safety or capacity/operation of the highways network. Recommend conditions to secure car/cycle parking and EVCP provision.

DRAINAGE ENGINEER: Due to location, scale and nature of proposals no need for drainage conditions. Any alterations to surface water drainage will required to be designed in accordance with Building Regulations.

TREES OFFICER: Objection, due to the absence of the full suite of arboricultural reports and plans. There appear (from online resources) to be significant trees on/overlapping the site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and matters addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Locally Listed Building

Littlehampton Built-up Area Boundary

Littlehampton Sea Front Conservation Area

Littlehampton Neighbourhood Plan Area

Flood Zone 2 & 3

CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 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 relevant policies contained within the Littlehampton Neighbourhood Plan have been taken into account in 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 considered to fail to comply with relevant Development Plan policies in that it would not provide adequate internal living space for future occupants, would result in harm to the appearance of this locally listed building and the character and appearance of the Conservation Area, and fails to demonstrate how the building would be adequately protected from flooding and how trees would be adequately protected from development.

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states:-

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to fail to comply with this criteria as it is considered to materially affect the character and appearance of the Conservation Area when taking into account the advice contained in the NPPF.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

QUALITY OF ACCOMMODATION:

Policy D DM2 of the Arun Local Plan requires that internal spaces must be of an appropriate size, and that the Nationally Described Space Standards (National Technical Housing Standards) will apply. Supporting text (paragraph 13.3.4 of the D DM2) states that 'There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis.'

Paragraph 127 (f) of the NPPF seeks a high quality of accommodation for future occupants stating that developments should 'create places... which promote health and well-being, with a high standard of amenity for existing and future users'.

The proposed and required Gross Internal Areas (GIA) of the proposed flats are as follows:

Unit 1 - 1 bedroom 2 person

Proposed GIA = 41sqm

National Standards GIA = 50sqm

Shortfall = 9 sqm

Unit 2 - 1 bedroom 2 person

Proposed GIA = 46sqm

National Standards GIA = 50sqm

Shortfall = 4 sqm

Unit 3 - 1 bedroom 2 person

Proposed GIA = 42sqm

National Standards GIA = 50sqm

Shortfall = 8 sqm

Unit 4 - 2 bedroom 4 person

Proposed GIA = 73sqm

National Standards GIA = 70sqm

Exceeds standards = 3 sqm

Unit 5 - 3 bedroom 6 person (over 2 storeys)

Proposed GIA = 77sqm

National Standards GIA = 102sqm

Shortfall = 25sqm

In addition to the majority of units (with the exception of Unit 4) failing to meet the national internal space standards, there are concerns that the living room to Unit 1 would not have any windows (it would only benefit from limited light gained from the adjacent kitchen openings), that the sole openings to the bedroom in Unit 2 would be small side windows facing onto a wall, and that the kitchen to Unit 3 would have no windows.

The fact that the majority of the units would fail to meet the space standards, the significant shortfall in the case of Unit 5, and the other issues identified results in the conclusion that the proposals would provide a poor standard of accommodation which would fail to provide internal space of an appropriate

size and where some rooms would lack natural daylight and outlook. This would conflict with Local Plan policy D DM2 and paragraph 127(f) of the NPPF.

There are no specific policies in the ALP or adopted guidance with regard external spaces. Paragraph H.04 of the emerging Arun Design Guide advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. This includes that Residential Communal Shared Spaces should be a minimum 40sqm plus 10sqm for each unit.

In terms of the external space provision, there would be a rear communal garden area of around 253sqm. This would amount to around 50sqm provision for each flat. Overall this would far exceed the guidance set out in the emerging ADC Design SPD, and would provide ample external amenity space to serve the future occupants of the building.

The proposed Block Plan shows the provision of 5 refuse and 5 recycling bins to the front area of the building. This would be adequate bin provision to meet the requirements of 5 flats, and would accord with ALP policy WM DM1. Given the site's location within the Conservation Area it would be necessary for any bin storage to be of an appropriate and sensitive scale and design, to protect the character and appearance of the Conservation Area setting. This could be secured by planning condition, in the event of the Council granting planning permission.

VISUAL AMENITY AND HERITAGE:

The proposed extensions would be subservient in scale, and would be sympathetic in design and materials (subject to materials being secured by planning condition) in relation to the host building. In this respect the proposals would accord with policy D DM4 of the ALP.

Policy HER DM2 of the ALP states that proposals for the alteration or extension to buildings on the local list will be expected to relate sensitively to the building and its setting and respect its architectural, landscape or historic interest. Policy 17 of the LNP seeks to avoid or minimise the impact of development proposals on the significance of locally listed/buildings of character and to ensure its conservation. The policy seeks to preserve features which contribute to that interest.

ALP policy HER DM3 seeks to preserve or enhance the character or appearance of the Conservation Area and states that 'Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area'. Section 16 of the NPPF (paragraphs 184-202) seeks to preserve or enhance designated and non-designated heritage assets and provides policy on how to undertake an assessment of development proposals affecting heritage assets. Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states: In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The building is a locally listed building. It is one of 6 properties (which comprise 'Selborne Place'). The property is also located within the Littlehampton Sea Front Conservation Area which contains a number of terraced and semi-detached properties which illustrate the development of the town as a seaside resort.

It is considered that the proposed front extension would not be a prominent addition due to the fact that it is utilising/infilling the existing walled service yard area and would be largely concealed behind existing walling. The retention of the existing honeycomb detailing as part of the front extension is positive, and

supported. Details of how the existing clay honeycomb walling will be kept and preserved as part of the creation of the north extension would also need to be considered so that it is not harmed. The elements of Gothic design and clay honeycomb walling are considered to be important in the context of both the property and the wider Conservation Area, and they would need to be retained as part of the proposal.

Whilst the loss of the modern conservatory at the rear is a positive feature of the proposal, the new rear extensions would be more prominent, which would interfere with the original rear elevation of the building, which is harmful. It is also suggested that proposals such as this should look for opportunities to enhance or better reveal the significance of listed buildings i.e. through the use of more appropriate joinery; it is not clear if that is the case here.

The rooflights would need to be of conservation standard and could be secured by way of planning condition, in the event the LPA were to grant planning permission.

On balance, the proposal is such that the impact can be described as causing 'less than substantial harm' (in accordance with para 196 of the NPPF) to the appearance and character of the locally listed building and the Conservation Area.

As per paragraph 193 of the NPPF, great weight is to be given to the conservation of heritage assets. Any harm would need clear and convincing justification, in accordance with paragraph 194 of the NPPF. In addition, LPAs are required, as per paragraph 192 of the NPPF, to take account of other factors such as public benefits. In this particular case, the existing building whilst appearing to be currently vacant could be in use and provide residential accommodation as an HMO and, as such, there are no clear public benefits of the proposed change of use to flats.

On balance, there are no public benefits which would outweigh the harm to the appearance of the locally listed building and the character and appearance of the Conservation Area. The proposals would therefore fail to accord with policies HER SP1, HER DM2 and HER DM3 of the ALP, policy 17 of the Littlehampton Neighbourhood Plan (LNP), the NPPF, and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

RESIDENTIAL AMENITY:

The proposed front extension would be an infill extension set away from the side boundaries to no.5 Selborne Place and no. 13 Granville Road and so would not result in any loss of outlook, light or privacy to these neighbouring occupants of these buildings. One of the proposed rear extensions would be directly adjacent to no. 5 Selborne Place. It would project to a depth of 4m and have a pitched roof with an eaves height of 3m and ridge height of 4m. Nearest to it would be a rear door to no.5. Judging from a review of floor plans on the planning history for no.5, this door would serve a hallway and as such the proposed rear extension would not impact a habitable room, only an ancillary space to the childrens nursery at no.5. The other rear extension would be set back from the side boundary with no. 13 Granville Road, would project a depth of 4m and would have a part flat and part pitched roof. Given the set in of the extension, that no.13 itself is set in and does not run directly adjacent to the boundary with the application property, and the existing boundary treatment and vegetation, it is concluded this rear extension would not result in significant outlook, light or overlooking impacts on no.13.

Three new windows are proposed to the ground floor western side elevation of the application property. Given these would be at ground floor level and taking into account the existing side boundary treatment, these new windows would not result in overlooking nor a loss of privacy to the occupants at no. 13 Granville Road.

The Council's Environmental Health Officer has requested standard planning conditions limiting hours of

construction, a Construction Management Plan, and details of any external lighting scheme, to protect neighbouring residents from noise, air and light pollution. They also recommend a planning condition to secure details of appropriate noise insulation to ensure there is no noise disturbance between units, in particular: the bedroom of Unit One and the overlying kitchen/living space of Unit 4; and the kitchen of Unit Two and the overlying bedroom with en-suite of Unit 4.

Subject to planning conditions, the proposals would maintain residential amenity of neighbouring occupants, and accord with the NPPF and policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the ALP.

HIGHWAYS & PARKING:

The Local Highway Authority conclude that given the existing use of the building as a large HMO the conversion to 5 flats is unlikely to result in a significant intensification of vehicular use of the site or the existing access point onto Selborne Road. It would not result in a severe impact on highways safety or the operation of the highways network.

In terms of car parking, WSCC anticipates that typically an HMO will generate a car parking demand of 0.5 spaces per bedroom. So for an 8 bedroom HMO the expected car parking demand would be 4 spaces. The ADC Parking SPD would require a minimum of 6 car parking spaces to be provided on-site to serve the flats (1 per 1 and 2 beds and 2 per 3 bed) in this type of location (Parking Behaviour Zone 4). The applicant has not specifically demonstrated the existing/proposed parking provision, but WSCC have confirmed that it seems that the existing hardstanding parking area could likely accommodate around 4 - 5 vehicles. It is noted that the Proposed Block Plan details refuse and recycling within the existing hardstanding area, and it is anticipated that this could be provided in a more efficient space to retain all available on-site parking provision. WSCC Highways have confirmed that with a small under-provision of parking spaces, 1-2 spaces, it would be extremely difficult to substantiate that an unacceptable highway safety issue would result, but that the LPA may wish to consider the amenity implications of a shortfall in on site parking.

The LPA conclude that, given the site's proximity to the town centre and its sustainable location with a range of sustainable modes of transport accessible to future occupants e.g. walking, cycling, bus routes, train station that this small shortfall in on-site parking would be unlikely to result in severe on-street parking pressure and amenity issues in the area. A planning condition could be used to secure the layout and number of car parking spaces (to be retained in perpetuity) in the event the application was to be granted permission. A planning condition could also be used to secure Electric Vehicle Charging Point (EVCP) provision for all parking spaces, in order to encourage sustainable modes of transport and assist with reducing climate change.

Secure and undercover cycle parking would need to be provided to all flats, at a rate of 1 cycle parking space if a communal space is provided or 1 space per 1 and 2 bed and 2 spaces per 3 bed if separate storage is provided, in accordance with the ADC Parking SPD. This could be secured by way of a planning condition if the LPA were to grant planning permission.

The proposals, subject to conditions, would provide sufficient car/cycle parking and EVCP provision, and would not result in severe impacts on highways safety nor the operation of the highways network, in accordance with the NPPF, policies T SP1 and T DM1 of the ALP, and the ADC Parking SPD.

FLOOD RISK & DRAINAGE:

Paragraph 155 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).'

Paragraph 163 states that 'Where appropriate, applications should be supported by a site-specific flood-risk assessment'. Paragraphs 157-158 of the NPPF refer to instances when a Sequential Test is required. ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

The site is located in Flood Zones 2 & 3 (medium-high risk of flooding). As such, a Flood Risk Assessment and Sequential Test is required by the NPPF. A desk-top flood risk screening report has been submitted with the application. This is only a preliminary report identifying flood risk and is not a full FRA which details proposed mitigation measures to protect the property or future occupants from flood risk. In addition, no Sequential Test has been submitted with the application. As such, it is concluded that the application currently fails to demonstrate how the site will be adequately protected from flooding, as required by the NPPF and policy W DM2 of the ALP.

TREES:

ALP policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity.

There are two mature, large Chestnut trees on the front boundary with Selborne Road, and a line of Lleylandi and another tree on the rear boundary with Irvine Road. There also appear to be significant off-site third party trees which overlap the site. There are no TPOs but the site is in a Conservation Area so these trees are afforded greater protection.

The proposed front and rear extensions have the potential to affect the Root Protection Areas of these trees, and damage could also occur during the construction phase itself due from the passage and storage of construction vehicles, equipment and materials. No Tree Reports nor a Tree Protection Plan (including a Construction Exclusion Zone) have been submitted with the application. The Council's Trees Officer has objected to the application on the basis of the lack of any arboricultural information being submitted. As such, the application currently fails to demonstrate how trees will be adequately protected, as required by policy ENV DM4 of the ALP.

SUMMARY:

The proposal is considered to fail to comply with relevant Development Plan policies in that it would not provide adequate internal living space for future occupants, would result in harm to the appearance of this locally listed building and the character and appearance of the Conservation Area, and fails to demonstrate how the building would be adequately protected from flooding and how trees would be adequately protected from development.

The application is refused for the following reasons:

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

The application is not CIL liable as it is for flatted development within CIL Zone 4 where the Arun CIL Charging Schedule confirms this type of development in this location is zero CIL rated.

RECOMMENDATION

REFUSE

- 1 A number of the residential units would fail to meet the national minimum internal space standards, and some rooms would lack natural daylight and good outlook. The proposals would therefore fail to provide a good standard of living accommodation for future occupants, in conflict with Arun Local Plan policy D DM2 and the National Planning Policy Framework (paragraph 127, f).
- 2 The proposed rear extensions would result in less than substantial harm to the character and appearance of this Locally Listed Building and the Conservation Area. This harm would not be outweighed by any public benefits. As such, the proposals would fail to accord with policies HER SP1, HER DM2 and HER DM3 of the Arun Local Plan, policy 17 of the Littlehampton Neighbourhood Plan and the National Planning Policy Framework.
- 3 In the absence of a full Flood Risk Assessment and Sequential Test being supplied, there has been a failure to demonstrate that flood risk will be suitably mitigated against and how the site will be adequately protected from flooding. As such, the application currently fails to accord with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.
- 4 In the absence of any arboricultural information being submitted it has not been demonstrated that trees will be adequately protected from the proposed development in conflict with policy ENV DM4 of the Arun Local Plan.
- 5 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.