

Recommendation Report for Planning Permission

REF NO: LU/16/19/PL

LOCATION: 47 Linnet Close
Littlehampton
BN17 7GW

PROPOSAL: Change of use of land to include into residential curtilage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	To extend the existing garden area by relocating the existing boundary fence. This will have the affect of enclosing an area of hardstanding/parking area (3.65m x 2.7m) to form additional garden land.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A fence height of 1.8m forms the boundary to the property
SITE CHARACTERISTICS	The property is an end of terrace 3 storey dwelling at the end of a cul-de-sac. A strip of land to the side and rear in the applicants ownership is clear of shrubs, abutting shared parking areas. There are similar areas of scrub land abutting parking areas within the immediate area.
CHARACTER OF LOCALITY	Residential cul-de-sac with detached and semi detached houses.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

The Parish Council raise an objection, on the grounds that if approved the loss of public amenity space would set a precedent.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The loss of amenity space is and would be assessed on the level of harm this may contribute to the street scene and character of the area.

For information purposes whilst the Town Council have registered an objection on this application contrary to the officers recommendation to grant planning permission, an officer decision can be made under officer delegated powers conferred by Full Council resolution dated 13th March 2019.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Within the built up area

DEVELOPMENT PLAN POLICES

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

SDSP2 SD SP2 Built-up Area Boundary

DDM1 D DM1 Aspects of form and design quality

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

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. 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 Littlehampton Neighbourhood Plan has been made and the relevant policies taken into account in determining 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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon 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 located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary.

DESIGN & AMENITY

The site is located in the middle of a modern estate. Its prevailing character is one of detached and semi detached dwellings in modest sized plots. Each property is served by either integral or detached garage blocks and allocated parking spaces. In addition there are many areas of planting at the corners of the cul-de-sacs and on land abutting shared car parking areas. These areas are in the ownership of individual house plots, but tend to be located outside the fence boundaries of some of the residential properties.

The officers note the concerns of the Parish Council. However, the loss of a small area of shrub land and hardstanding will not have a significant impact on the visual amenity of the area and the appearance of the wider street scene. The application would allow for a modest increase to the garden area by using land with a low appearance currently comprising scrub and hardstanding. Formalising its use as part of the residential curtilage would not detract from the area character to its detriment or set a precedent elsewhere. The proposal has been assessed by virtue of its discreet location behind a shared garage block and would not affect the amenity to neighbouring occupiers.

CONCLUSION

As such the change of use of the land complies with policy D DM1 of the Arun District Local Plan and policy 1 of the Littlehampton Neighbourhood Plan. Permission is therefore recommended subject to 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 plan (picture 2 & 4) 1:1250
Plan (picture 3) 1:1250
Block plan 1:500
Proposed new fence line plan (page 3 of 3)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District 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.