Recommendation Report for Planning Permission

REF NO: **LU/184/17/PL**

LOCATION: Land adjacent to 75A Clun Road
Littlehampton

PROPOSAL: 1 No. dwelling (resubmission following LU/31/14/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is a resubmission following the approval of LU/31/14 at appeal. The proposal seeks permission for the construction of a 1 bed, two storey dwelling to the north of 75a Clun Road.
SITE AREA	Approximately 160 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing at approximately 1.8m in height along all boundaries with the southern boundary additionally having hedging above 2m in height.
SITE CHARACTERISTICS	The application site is undeveloped and currently forms part of the rear garden of No. 75a Clun Road. This neighbouring property is a two storey end of terraced property with brown brick elevations and a hipped roof with plain brown tiles.
CHARACTER OF LOCALITY	Predominantly residential in character, there are two storey semi-detached and terraced properties in the area.

RELEVANT SITE HISTORY

Planning permission was previously granted under reference LU/31/14/ at appeal. This application granted permission for the construction of a two storey dwelling in this location with balcony at first floor level on the northern elevation.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 24th July 2017 and had no objection to the application.

Comments on Representations received:
Comments noted.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

West Sussex County Council (Highways):
· The current scheme is a resubmission of a previously approved scheme. Vehicle access and single off street parking space off an existing point from Fort Road. From an inspection of the latest plans and documents there does not appear to be any change in the previously commented on highways aspects of the scheme.
· 2 Conditions proposed.

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:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		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
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

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 has taking place. 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. The examination is due to re-commence in Autumn 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 and policies 1 and 2 are considered relevant 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 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 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 in the determination of this application are considered to be GEN7 of the Arun District Local Plan; Policies 1 and 2 of the Littlehampton Neighbourhood Plan; the National Planning Policy Framework as well as the Nationally Described Space Standards.

DESIGN AND VISUAL AMENITY
The proposed dwelling will be located to the north of 75a Clun Road and will be on a similar footprint to that previously approved at appeal under reference LU/31/14/. However, the design of the proposal has been altered from that previously approved. It was identified by the inspector in the previous approval that the proposed dwelling would be similar in appearance to a previously approved two storey extension at the site. Therefore, it was stated that the proposed dwelling would not adversely impact upon the character of the locality as it would appear as a two storey extension rather than a separate dwelling.

It is considered that this amended scheme by virtue of its design has a detrimental impact upon the character of the locality. The previously approved hipped roof has been extended with the proposed mock pitched roof featuring an extensive flat roof section. By virtue of this, the proposed roof design is considered to have an unacceptably adverse impact upon the spatial pattern and character of the locality. It is considered that the proposed dwelling fails to appear integrated with the existing terrace of properties. It must also be considered that the dwellings in this locality are largely uniform featuring hipped roofs and as such the proposed roof design is considered to appear incongruous within the street scene and out of character with the terrace of properties already present on the site and within the wider locality.

Therefore, the proposed dwelling is considered to conflict with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY
The proposal by virtue of its design and location is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon the residential amenity of neighbouring properties. Therefore, the proposed dwelling is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

HIGHWAYS, TRANSPORT AND PARKING
The proposed dwelling will be accessed from an existing vehicular crossover situated to the north of the application site. 1 No. parking space will be provided in the rear garden of the proposed

dwelling along with a cycle store. The parking provision has been considered by WSCC who have raised no objection in relation to the proposal.

AMENITY SPACE PROVISION
The property will benefit from private amenity space to the rear of the proposed dwelling. The rear garden will measure approximately 11m in depth but will be bisected by the proposed parking space. This will result in the rear garden measuring approximately 5m in depth with the rear portion of the garden measuring approximately 3m and featuring a garden shed/cycle store.

The proposed garden by virtue of the parking space will fail to meet the requirements of the policy D DM3 of the emerging Local Plan. However, this same garden layout was previously considered by the Inspector in the determination of APP/C3810/A/14/2227502 and it was stated in paragraph 13 of the appeal decision that;

"...sufficient space for sitting out and domestic activities such as drying washing would remain which would be commensurate to the size of dwelling proposed. In addition to this, the proposal includes a balcony space at first floor. With these points in mind the external space for the proposed dwelling would not be substandard and satisfactory living conditions would be provided."

However, it must be considered that the proposal no longer includes a balcony at first floor level and the emerging Local Plan has been through examination although it is yet to be found sound. As such it remains that policy D DM2 can only be given limited weight in the determination of this application. Therefore, it is considered that the proposed outdoor amenity space whilst failing to accord with the requirements of policy D DM2 of the emerging Local Plan does not have an unacceptable impact upon the residential amenity of future occupiers.

The proposed dwelling will have a gross internal floor area of approximately 54m2 which exceeds that previously approved under appeal APP/C3810/A/14/2227502. However, since the determination of the previous application the Nationally Described Space Standards (NDSS) were introduced on the 27th March 2015. This sets a minimum space standard of 58m2 for a dwelling of this size. Therefore, the proposal fails to accord with the NDSS.

However, it must be considered that the proposed dwelling is larger than that previously approved and as such would constitute an enhancement beyond that previously permitted at the site. Therefore, it is considered that although the proposed dwelling fails to provide sufficient accommodation this is not justification for refusal.

SUMMARY
The proposed development is considered to conflict with relevant development plan policy and as such is recommended for refusal 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 proposed dwelling by virtue of its design and prominent location is considered to have an unacceptable incongruous impact upon the character of the wider locality in conflict with policies GEN7 of the Arun District Local Plan; Policies D SP1 and D DM1 of the emerging Local Plan Publication Version showing Modifications; 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.