

Recommendation Report for Planning Permission

REF NO: LU/208/11/

LOCATION: Forge Cottage
Lyminster Road
Littlehampton

PROPOSAL: Alterations to front/side garden to form driveway, including cross over onto Lyminster Road for vehicular access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approx. 704sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low flint wall to front boundary, and post and rail timber fencing to side garden supplemented by various hedging.
SITE CHARACTERISTICS	Grade II Listed Building, detached with flint and red brick elevations and hip to gable thatched roof. Hipped red tiled porch to front of dwelling. Conservatory has been removed from south side of dwelling.
CHARACTER OF LOCALITY	Sited along a Class A Road, some residential properties within the locality. Public House to the north of the site.

RELEVANT SITE HISTORY

LU/221/11/L	Application for Listed Building Consent for the Approve removal of the conservatory to south elevation of property.	20-09-2011
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REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSSC Local Development Divis.

Consultations responses received:

COUNTY HIGHWAYS:

Visibility from the point of access is acceptable but could be further improved by pruning the hedge to the south of the site, which falls within the applicants control. In addition the applicant will need to demonstrate that adequate vehicular visibility splays can be achieved onto Lyminster Road (A284), these splays should be in accordance with the guidance set out in the Manual for Streets.

It is also noted that there are to be two parking spaces within the site. On the plans viewed via ADC's website there is no way of telling where the cars will be parked within the site and if a turn of site facility is available. Given the high volume of traffic using the A284 a turn on site facility would be required.

Comments on Consultation responses:

Comments noted. No further detail has come forward regarding an acceptable revision to the current plan to show a turn on-site facility.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

LISTED

The above policies combine to describe the criteria against which the application will be assessed particularly with specific regard to impact upon the Listed Building.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on highway safety.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act 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 comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation 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

The application seeks permission for a hard-standing to the south side of the dwelling in place of a recently removed conservatory and a vehicle cross over from Lyminster Road. The dwelling is a Grade II Listed Building sited along a Class A Road.

The proposed hard-standing and vehicle cross over would allow off road parking to the side of the dwelling which is not considered to detract from the setting of the Listed Building. Also the use of Indian Sandstone paving which is proposed would be appropriate to the listed building.

In terms of highway safety the proposal is unacceptable. The proposed crossover would be onto the A284 which is used by a high volume of traffic. To ensure vehicles enter or exit the site in a forward gear West Sussex County Council require a turn on site facility. However, discussion with the applicant and County Highways has not resulted in this being agreed and therefore the objection has remained from a highway safety point of view.

In the absence of any detail being provided identifying an agreeable access arrangement into the site, it is recommended that the application be refused for the reason set out below.

HUMAN RIGHTS ACT

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 for 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 a neutral impact has 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).

RECOMMENDATION

REFUSE

- 1 The proposed vehicle crossover and hard standing does not provide an adequate turn on site facility that would allow vehicles to enter and exit the site in a forward gear which would be detrimental of highway safety. The proposal therefore conflicts with policy GEN7 of the Arun District Local Plan and Guidance set out within the Manual for Streets.