

Recommendation Report for Planning Permission

REF NO: LU/21/15/PL

LOCATION: 17 Trinity Way
Littlehampton

PROPOSAL: Application for the variation of condition 11 imposed under planning reference LU/159/89/ relating to the use of garage as habitable room.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission to convert an existing integral garage at this dwelling into a play room. Externally, the only alteration is the removal of the garage door and installation of a new window with some bricking up of the opening below this.

SITE AREA

The site area is 0.02 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

The locality is a medium density area of development.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site is evergreen hedging of in excess of 2m in height. The side boundary with the adjoining dwelling is open. The side boundary with the adjoining play area and open space is a 1.8m panel fence between the front of the garage and the front boundary and a higher panel fence of some 3m to the remainder of the side and rear boundaries.

SITE CHARACTERISTICS

The application site is one of a pair of semi-detached two storey dwellings. To the front of the dwelling there is a parking/turning area which can accommodate up to 2 cars. The existing garage has an up and over type door with a vertical boarded profile. The walls of the dwelling are of brick construction with some tile hanging and roof is of brown concrete pantiles.

CHARACTER OF LOCALITY

The character of the area, apart from the play area to the side and open space to the side and rear, is residential.

RELEVANT SITE HISTORY

LU/159/89	Residential development of 6 bungalows, 62 houses, 30 two bedroomed flats and 30 one bedroomed flats. (128 No. Units)	Approved Cond + S106 21-09-1990
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The permission for the development of these dwellings was granted with the following condition 11:

No dwelling or flat shall be occupied until the parking spaces, turning facilities and garages associated with them as shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways.

For this reason planning permission is required for the conversion of the garage. Were it not for this restriction, planning permission would not normally be required. The condition was clearly imposed to ensure that on-street parking was minimised in the interests of highway safety.

There is a Section 106 Agreement, but this relates to the play area/open space and does not relate to garages or car parking.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council has objected on the grounds that the proposal goes against condition 11 imposed on the original development.

Comments on Representations received:

The Town Council has not expressed a detailed reason for objection other than the above and it can therefore only be assumed that it objects to an increase in on street parking.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-

residential)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

The Littlehampton Neighbourhood Development Plan was made at Full Council meeting on 5th November 2014. This means that the Littlehampton Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for the town. Consequently, decisions on whether or not to grant planning permission in this area will need to be made in accordance with the Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

There are no policies in the Littlehampton Neighbourhood Development Plan that are considered to be relevant to 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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities or on parking/highway safety.

DESIGN AND VISUAL AMENITY

The proposal results in only limited alterations to the existing garage and the proposed window and brickwork will have an appearance which is consistent with the existing dwelling. It is therefore considered that the proposed extension is acceptable in visual amenity terms and complies with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed alternations do not result in the introduction of a window which would result in the loss of amenity to adjoining occupiers. It will be a front facing window and be located furthest away from the adjoining dwelling. Only oblique views of the adjoining front garden will result and this is already overlooked by other closer front windows of the application dwelling.

PARKING & HIGHWAY SAFETY

The present dwelling has 2 car spaces and in addition, the space available within the garage to be converted.

West Sussex Parking Standards require the provision of 2 car parking spaces for the dwelling as proposed at 5+ habitable rooms and 2 car parking spaces for the dwelling with the additional play room to be formed on the garage. There is therefore no increase in parking demand from the proposal as the on site parking remains in accord with standards. The development will not therefore give rise to on-street parking or detriment to highway or pedestrian safety as a consequence.

The proposed conversion of the garage is considered not to result in any significant harm such that the variation of the condition ought to be reasonably withheld.

It is therefore recommended that the application be approved, subject to the following conditions.

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 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 (negative, Neutral or positive) 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).

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 drawing:

E187/002 - Proposed plans & Elevations - Dated February 2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external front wall and new front window of the garage conversion hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 This permission for the variation of planning condition 11 on planning permission LU/159/89 shall relate on to the dwelling and curtilage known as 17 Trinity Way,

Littlehampton and to no other dwelling permitted under that planning permission. The parking spaces and turning facilities serving the dwelling known as 17 Trinity Way, Littlehampton shall be retained and not used for any purpose other than the parking and turning of vehicles.

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in the interests of highway and pedestrian safety in accordance with policy GEN7 of the Arun District 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 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.