Recommendation Report for Planning Permission

REF NO: **LU/226/13/**

LOCATION: 18 Norfolk Road
Littlehampton

PROPOSAL: 2 storey rear extension to enlarge ground floor flat & create 1 No first floor flat with new enclosed porch

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a 2 storey extension to the rear of the existing property measuring 4.7m wide by 7.7m depth at first floor and 2.8m depth at ground floor. The entrance porch on the side elevation would be increased in size.
SITE AREA	345 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	115 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling to approx. 1.4m on side boundaries. Parking to rear open to road
SITE CHARACTERISTICS	Semi detached 3 storey dwelling with painted rendered elevations converted into falts. Car parking and garaging to rear. Existing single storey extension to rear and enclosed garden area containing sheds
CHARACTER OF LOCALITY	Predominantly residential characterised mainly by converted residential dwellings.

RELEVANT SITE HISTORY

LU/150/01/	Single storey rear/side extension	ApproveConditionally 25-07-2001
LU/226/59	Conversion into 3 s/c flats	Approve 11-12-1959
LU/181/61	Block of 3 garages	ApproveConditionally 13-09-1961

REPRESENTATIONS

Representations received:

Littlehampton Town Council

None

One letter of objection - Contrary to policy DEV19 in that it is overbearing and results in adverse overshadowing and overlooking. First floor side window would look directly into neighbours kitchen window and garden. Gap between the properties is less than 1 metre. Extension will reduce garden and storage areas serving the existing dwelling. Loss of light. Overdevelopment. Lack of car parking. An adequate supply of this type of housing already exists in the locality.

Comments on Representations received:

Comments relating to ovedelopment, overlooking, overbearing and overshadowing effects are agreed. The requirement to leave a 1 metre gap between properties at first floor level refers to the impact on the street scene and the need to retain important gaps. The proposed extension does not infill an existing gap since it does not protrude beyond the side elevation of the dwelling. No additional car parking provision is made and the proposal would not meet the maximum parking requirements. However on street car parking is available in the locality.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee - No Objection, Concern at use of pvc windows on rear elevation. Materials to match.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Within Conservation Area
Building or Structure of Character
No publiw sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
	DEV19	Extensions to existing residential buildings
	AREA2	Conservation Areas
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		HER SP1 The Historic Environment HER DM3 Conservation Areas HER DM2 Locally Listed Buildings or Structures of Character D SP1 Design D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM3 External Space Standards D DM4 Extensions & Alterations to Existing

Buildings

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

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

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties, and an adverse impact upon the established character of the surrounding area.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 conflict with these criteria in that it is considered to materially affect the character and apperance 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 existing building has been extended at ground floor and even with this extension it still currently conforms with the general pattern of development in the locality. All the properties in this part of Norfolk Road have a lower third storey projection behind the front elevation which extend an identical distance to the rear. The proposed first floor extension would protrude beyond this current rear limit and would appear as a prominent and discordant extension that is out of keeping with the general pattern of development on the locality. The property is readily visible from the south across the parking area behind no. 16 and the extension would not preserve or enhance the appearance of the Conservation Area and would detract from the balanced pattern of roof lines in conflict with policies GEN7 and AREA2 of Arun Distrct Local Plan. In addition, the extension would be prominent in relation to the building as a whole and and would not be sympathetic in terms of its form and scale it would therefore be contrary to policies DEV19 and GEN22 of the Arun District Local Plan.
The first floor extension would be partly facilitated by a ground floor extension which would erode some of the existing rear amenity space. The property is currently divided into flats and the extension would increase the total number by one unit. The room sizes would accord with the emerging space standards. However, the demand for outside amenity and storage space would be increased while the area available to meet this demand would be eroded. The proposal would be contrary to policy DDM3 which requires development to make provision for private outside space for each apartment, with a minimum area directly connected to each 2 bedroom flat of 5 square metres.
The extension would be located within 1 metre of the side boundary with no 20 and would have an eaves height of 5m. It would therefore be overbearing on the garden area and ground floor accomodation of the adjoining property and the first floor window in the side elevation would also result in adverse overlooking and loss of privacy to the garden area in conflict with policies GEN7 and DEV19 of Arun District Local Plan.
The application is therefore recommended for refusal for the following reasons

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 (the 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 neutral 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).

SECTION 106 DETAILS

A legal agreement has been signed to pay a commuted sum of ?1104 towards affordable housing

RECOMMENDATION

REFUSE

1 The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the building is defined as a Building of Special Character on the Local List and the proposal by reason of its width, depth and height would conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas and the appearance of the existing building and with policies GEN7, GEN22 and AREA2 of the Arun District Local Plan and policies DSP1, DDM1 and HERDM3 of the Emerging Local Plan.

2 The proposed extension would be out of scale with the existing development and reduce the ammount of available amenity space. It would therefore be detrimental to the residential amenities of existing and adjoining premises in conflict with policies DEV19, GEN7 of the Arun District Local Plan and policies DDM1, DDM3 and DDM4 of the Emerging Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 reasons 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 discuss with the Applicant the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.