

Recommendation Report for Planning Permission

REF NO: LU/239/25/PL

LOCATION: 19 Maxwell Road
Littlehampton
BN17 7BN

PROPOSAL: Demolition of existing double garage and erection of 1 No 1 bed dwelling to rear of existing dwelling. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	63sqm.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	There is currently a tall close boarded fence on the front elevation adjacent to the existing garage, and a fence with some vegetation to the rear.
SITE CHARACTERISTICS	The site is a double garage fronting onto Linden Road which is currently not in use.
CHARACTER OF LOCALITY	The site is a in a residential area, which is predominantly made up of two-storey terraced dwellings.

RELEVANT SITE HISTORY

LU/5/89	Conversion of house to form 2 No. 2 bedroom flats. Ground floor extension & new detached double garage	ApproveConditionally 20-02-89
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Planning history noted.

REPRESENTATIONS

Littlehampton Town Council - Objection. The proposal does not comply with the Nationally Described Space Standard for a one bedroom property for two persons, and the plans show two bed spaces. The proposal is an overdevelopment due to the loss of garden space and the additional strain it would cause to parking in the area.

- 2 objections were received from nearby occupiers raising concerns that:
- There is not enough parking already. Cars are parked on corners because of this resulting in difficulty of access for fire engines etc.
 - The window on the north wall will be looking directly into the neighbouring garden, affecting privacy.
 - The drawings show a fence, where there is no fence.
 - The proposal will result in additional noise impacts.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. These concerns are addressed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection subject to condition regarding hours of working during construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Article 4

2km Buffer for SSSI

CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country

Planning (Local Planning) (England) Regulations 2012. Littlehampton has a made Neighbourhood Development Plan, however, there are no policies which are directly relevant to this proposal.

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 the proposed single storey dwelling is out of keeping with the character of dwellings in the surrounding area and does not provide a high level of amenity for future occupiers or the occupiers of the neighbouring flat.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposal is for the demolition of a double garage and its replacement with a 1 bed dwelling. The site is in an existing residential curtilage within the built up area. The principle of the development is acceptable subject to the consideration of relevant Development Plan policies.

DESIGN AND VISUAL AMENITY

The existing double garage is a single storey, flat-roofed structure finished with pebble dash which is situated at the end of the garden of 19 Maxwell Road, and accessed from Linden Road. 19 Maxwell Road is split into two flats, with the ground and first floor forming separate dwellings. The ground floor flat is accessed from the rear of the property, off Linden Road. The existing garage measures approx. 6m by 5.5m. The replacement dwelling would occupy the same position, but would extend an additional 2.4m towards the east.

The area is characterised by two-storey terraced dwellings, with long rear gardens. The dwelling occupies approx. 75% of its plot, which is at odds with the prevailing character of the area. There would be a gap of 3.6m between the rear elevation of 19 Maxwell Road and the front elevation of the dwelling. This narrow gap between the 19 Maxwell Road and the proposed dwelling gives rise to a cramped appearance, and would appear as an overdevelopment of the site in conflict with Arun Design Guide (ADG) Part P and Arun Local Plan (ALP) D DM1(1).

It is acknowledged that there are buildings on the opposite side of Linden Road, within spaces which would ordinarily be the rear gardens of properties along Maxwell Road and Gloucester Place. It has only

been possible to locate planning records relating to the construction of these one properties, which was granted permission in 2008. The remaining property appears to have been in situ for a number of decades. Whilst these properties contribute to the overall character of the area, their presence does not mean that similar proposals are likely to be acceptable under current planning policy. As 19 Maxwell Road has an existing rear extension which is to be retained, the layout of any dwelling to the rear of the property would also have less separation distance than in these examples on the opposite site of Linden Road.

The ADG Part P requires infill development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents. The guidance states that in most cases, new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot and continue the rhythm of the street by repeating key elements such as windows, doors and walls. The proposal is contrary to this guidance in that it does not replicate the established pattern of the existing development in the locality. The proposal introduces a single storey dwelling into an area of predominantly two storey houses. Whilst it is appreciated that the design of the proposed dwelling reflects the form of the existing garage, and in doing so minimizes any harmful impacts on the street scene, and neighbouring occupiers. However, this presents its own disadvantages, in that the dwelling resembles an ancillary outbuilding, rather than a dwelling in its own right. Whilst the existing garage appears as an ancillary building, the proposed dwelling would appear incongruous, as a small single storey dwelling, which does not reflect the rhythm of the street scene or the established pattern of land use. The proposed dwelling is also to be finished with brick and timber cladding. The use of timber cladding does not reflect the character of surrounding dwellings, in conflict with ADG Part P and ALP policy D DM1(1), and furthers the building's resemblance to an ancillary outbuilding.

Whilst the proposed design limits the prominence of the building, as an independent dwellinghouse, the proposed scale, design and materials do not reflect the character of dwellings in the area, and would appear incongruous in its setting. As a result of the size of the site, the proposals result in an unduly cramped form of development and the proposals are in conflict with the ADG, ALP policy D DM1 and paragraph 131 of the NPPF.

QUALITY OF ACCOMMODATION

The proposed dwelling has a total internal area of 39sqm. The dwelling meets the Nationally Described Space Standards for a dwellinghouse with a single bedspace. It is noted that the drawings show a double bed on the floor plan, which would necessitate an internal area of 50 sqm. However, as the bed shown in the plans could be altered without fundamentally changing the proposal, the internal space provided is considered to be in accordance with the Nationally Described Space Standards.

ADG Part P states that while infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to over-development and over-intensification of building plots. For example, dwellings should not be permitted in the curtilage of existing dwellings where this would lead to an unacceptable loss of outdoor amenity space. Development must also avoid adverse impacts on the privacy of existing or proposed dwellings.

The proposal provides an area of outdoor space to the front of the dwelling with a depth of 2.3m and a width of 5.9m. This space provides a small amount of outdoor amenity space, which would need to fulfil multiple functions, including bin and cycle storage. This area is the means of access to the dwelling, which would be accessed via the patio doors on the east elevation. Both the gate at the entrance to the plot and the folding patio doors would need to open into this space, reducing the area of usable space. In practice, this area is likely to be little more than a passageway. The amenity space would also be entirely overlooked by the rear windows of the first floor flat at 19 Maxwell Road, meaning that the dwelling would not benefit from any private outdoor amenity space. In this respect, the proposal is in conflict with the

Arun Design Guide which recommends minimum sizes for rear gardens, ALP policy D DM1 and Paragraph 135(f) of the NPPF, which requires planning decision to ensure the creation of places with a high standard of amenity for existing and future users.

NEIGHBOURING RESIDENTIAL AMENITY

The site is located at the rear of 19 Maxwell Road and adjoins the rear garden of 17 Maxwell Road. The site is separated from the proposed to the rear by a narrow alleyway, and the proposals would not impact this property. The dwelling occupies the same position as the existing dwelling, and extends further towards 19 Maxwell Road. The height of the proposed dwelling will exceed the height of the existing garage by approx. 0.6m at the northern boundary closest to the neighbouring dwelling. There would be some impact on this neighbouring garden, however, this would not be harmful.

There is a window on the north elevation, which looks towards the neighbouring garden. Although part of the window will be visible above fence, this portion of the window would be at least 1.9m above the floor level of the proposed dwelling, and so occupiers would not have views over the fence into the neighbouring garden. The proposals would not result in harmful overbearing, overshadowing or overlooking impacts, in accordance with ALP policy D DM1(3).

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected and would be controlled at the Building Regulations stage.

In terms of decentralised, renewable, and low carbon energy supply systems solar panels are shown on the proposed roof plan, and these could be secured via condition. Subject to this, the proposal is in accordance with ALP policy ECC SP2.

TRANSPORT AND ACCESS

ALP policy T SP1 requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Arun District Council has adopted a Parking Standards SPD (Jan 2020) (APS). Principle 1 at para 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand. The APS state that one parking space should be provided for one bedroom dwellings in this area.

The proposed dwelling would only have a pedestrian access, and does not provide any off street parking spaces. This is in conflict with the APS, however the proposal is for a 1 bedroom property in a sustainable location. The proposals show that cycle parking can be accommodated on the site, providing the single cycle parking space required by the APS. Given that the site is in a central location, close to the train station, bus routes and local services, the lack of car parking is acceptable in this instance. The proposals are acceptable in accordance with ALP policy T SP1.

ECOLOGY AND BIODIVERSITY

The proposal is not liable for Statutory Biodiversity Net Gain under the de-minimis exemption. However, some Biodiversity Net Gain is still required in line with ALP policy ENV DM5. This has been demonstrated through the provision of ecological enhancement features outlined in the Biodiversity Enhancement Statement. Subject to conditions securing the relevant ecological enhancement features, the proposal would be in accordance with ALP policy ENV DM5.

SUMMARY

The Council cannot currently demonstrate a 5 year housing land supply and therefore the NPPF presumption in favour of sustainable development (para 11(d) (ii)) applies. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

NPPF paragraphs 124 and 125 highlight the need for planning decisions to promote effective use of land, and the proposal would provide an additional dwellinghouse in a sustainable location. However, the resultant dwelling would be out of character with the surrounding area, and would not provide a high standard of amenity for future occupiers, in conflict with paragraphs 131 and 135 of the NPPF. In this instance, when assessed against the Framework as a whole, the harm arising from the proposals significantly and demonstrably outweighs the minor benefits associated with the provision of a single dwelling.

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), 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

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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure would be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION**REFUSE**

1 The site, by virtue of its size, is unsuitable and insufficiently large to accommodate a dwelling

and private amenity space satisfactorily. The proposal results in an unduly cramped form of development which is contrived in design and does not have the appearance of a dwellinghouse. The proposals would harm the character and amenities of the surrounding residential area, contrary to policies D DM1 and D SP1 of the Arun Local Plan and Part P of Arun Design Guide and paragraph 131 of the NPPF

- 2 The proposal, as a result of the limited site area, results in unacceptable loss of amenity space for the existing dwelling on the ground floor of 19 Maxwell Road. The proposal fails to provide sufficient private amenity space for future occupiers as the space would be entirely overlooked from the first floor windows of 19 Maxwell Road. The lack of private external amenity space would be detrimental to the residential amenities of existing and future occupiers. The proposal is therefore in conflict with policies DDM1(3), DDM1(15) and QE SP1 of the Arun Local Plan, Part H of the Arun Design Guide and paragraph 135(f) of the NPPF.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.