

REPORT UPDATE

Application No: LU/265/14/HH

Reason for the Update / Changes

Reason for Update/Changes: The Littlehampton Neighbourhood 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 Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

Officers Comment:

There are no policies in the Littlehampton Neighbourhood Development Plan that are considered relevant to this application.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/265/14/HH

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: LU/265/14/HH

LOCATION: 59 Arundel Drive
Thornlea Park
Lyminster Road Littlehampton

PROPOSAL: Enclosed porch to west elevation. This application may be determined by Littlehampton Town Council under delegated powers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed porch would be flat roofed 2.75m in height, with a floor area of 1.15m by 2.2m. It would be located on the west side of the existing property and would have a polycarbonate roof and external face finishes to match the existing static home.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the

report

BOUNDARY TREATMENT	proposed development. 1m high close boarded fencing to side boundary.
SITE CHARACTERISTICS	A detached park home dwelling with rough rendered elevations painted white and a pitched roof with plain tiles. There are steps to the east and west side of the property. 3 steps are located in front of the existing door.
CHARACTER OF LOCALITY	Residential in character, the surrounding properties are similarly styled detached park homes set within its own estate.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

One letter of Objection - The existing steps appear to be not as wide as the proposed drawing states, which means that the steps will have to be widened to 1150cms as per the drawing, this will cut down the space for entry/access of the fire service, also the car on the parking space will cut down the gap between perimeter fencing and the proposed porch. Car parking space is adjacent to another parking space. The park rules state that no 2 vehicles should be parked side by side in case of fire.

Comments on Representations received:

Access by fire engines is being checked by Environmental Health. The rules of the caravan park or site licence restrictions are separate from planning legislation.

CONSULTATIONS

Environment Agency
Environmental Health

Consultations responses received:

Environmental Health - The plans contravene the Caravan Site Licence conditions, but health and safety and amenity of the site are not affected therefore permission is granted for the proposed changes provided the new structure does not form part of the home structure (ie. is not fixed to the park home). The new structure should be of non-combustible materials and should be removed, replaced or reduced in size so that it does comply with the relevant conditions when the occupier ceases to reside there. Consultation will take place with WSCC Fire Service.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Arundel and Littlehampton Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7 DEV19 AREA10	The Form of New Development Extensions to existing residential buildings Strategic Gaps
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)	

PLANNING POLICY 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.

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

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: Arundel; Barnham & Eastergate; Felpham.

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 outside the built-up area, but within a caravan where the principle of a small extension 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 Arun District Local Plan policies GEN7 & DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities. The site is located within a Strategic Gap in the current Local Plan, but not in the Emerging Plan and it is not considered given the limited size of the extension that it would have an adverse impact on the integrity of the Gap.

DESIGN AND VISUAL AMENITY

This application is for a porch to the west side of the property. In this location and due to the set-back from the front of the property by approximately 3m the porch will not be unduly prominent in the street scene. The appearance and size of the porch would be sympathetic with the host dwelling.

It is therefore considered that the proposal complies with relevant policies GEN7(ii) & DEV19 of the Arun District Local Plan. In addition other properties, numbers 32 and 51 have porches attached to the side elevation.

RESIDENTIAL AMENITY

In terms of residential amenity, the proposal is for the creation of a porch to the side of the property. This will be at a maximum height of approximately 2.75m above ground level and would be 2m from the boundary. The window in the side elevation would not result in adverse overlooking to the adjacent unit given that it does not serve a habitable room. An entrance and steps already exist on the elevation which afford overlooking.

It is therefore considered that the proposal complies with policies GEN7(iv) & DEV19 of the Arun District Local Plan.

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

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 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).

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 plans location and LR/591.

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 **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 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.