

Recommendation Report for Planning Permission

REF NO: LU/266/21/PL

LOCATION: 215 Timberleys
Littlehampton
BN17 6QD

PROPOSAL: Erection of 1 No. 4 bed dwelling (resubmission of LU/350/20/PL). This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. dwelling within the residential side garden of 215 Timberleys. It will project from the northern face of the host dwelling by approximately 3.97m and the full length of the existing dwelling, with the addition of a single storey rear extension protruding an additional 4m. The proposed will be at the same height as the host dwelling.
SITE AREA	Approximately 220.sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to its front boundary, with a mixture of mature foliage, and fencing to the other boundaries of the site.
SITE CHARACTERISTICS	The site is part of the residential garden to 215 Timberleys.
CHARACTER OF LOCALITY	The area is part of a residential street, comprising a uniform character of terraced dwellings 3 storeys, set in medium plots set back from the highway by gardens/parking areas.

RELEVANT SITE HISTORY

LU/350/20/PL	Erection of 1 No new dwellinghouse.	ApproveConditionally 31-03-21
PAA/197/17/	Erection of 1No. Dwelling.	Refuse Pre App 29-11-17

REPRESENTATIONS

Littlehampton Town Council - Objection.
Over development of the site which would set a precedent.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The comments raised will be addressed in the conclusion section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection subject to conditions relating to Electric Vehicle (EV) charging points, unexpected contamination, hours of construction and noise.

Ecology - No Objection.

Provided the advice given by CDC Ecologist Liz Annalls (25/01/2021) under the directly related application (LU/350/20/PL) is applied and attached to LU/266/21/PL, then we are satisfied the proposed extension will have negligible ecological impact and have no further comment.

West Sussex Highways - No Objection subject to conditions relating to EV charging points, cycle parking and parking space to be built in accordance with plans.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans 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.

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 the proposed dwelling is seen to have a significantly harmful impact upon the residential amenities of the nearby occupiers in conflict with policy D DM1 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan, namely that whilst the proposal does not provide the required off-street parking there is capacity within the locality which will ensure that the proposal would not have a severely harmful impact upon highway conditions within the area. In addition this is a sustainable location within the built up area of Littlehampton where there are other non vehicle borne means of transport within walking distance.

CONCLUSIONS**PRINCIPLE**

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. In this case, the key policies of the Arun Local Plan are D SP1, D DM1, D DM2 and T SP1 of the Arun Local Plan and Policies 1, 2 and 22 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 15 aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 relates to internal space standards which take guidance from the Nationally Described Space Standards.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network;

contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy ECC SP2 states that new residential dwellings are expected to be energy efficient and seeks to incorporate decentralised, renewal and low carbon energy supply systems to meet current standards.

Policy 1 of the Littlehampton Neighbourhood Development Plan (LNP) states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. The proposal is in conflict with this Policy in that the proposal does not accord with the Development Plan in the form of Policy D DM1(3) of the Arun Local Plan.

Policy 2 of the Littlehampton Neighbourhood Development Plan (LNP) seeks to focus development within the built up area boundary. The proposal is in accordance with this policy due to the siting of the application site being within the built up area boundary.

Policy 22 of the Littlehampton Neighbourhood Development Plan (LNP) relates to the design of new development and its relationship with the transport. This includes provision for car parking and the width of roads and carriageways.

DESIGN

The proposed dwelling seeks to project from the Northern elevation of an existing row of 5 dwellings. The design of the proposed dwelling will be very similar to that of the existing property at 215 Timberleys, and the other dwellings in this row of houses. Furthermore, the scaling matches that of the others along the row of houses in that the proposal is 8.2m high, 3.97m wide. As such, it will be in keeping with the neighbouring dwellings and the character of the area. The street scene is formed of a consistent construction of dwelling size and scale, of which this dwelling will match by infilling a gap on the side 215 Timberleys. The host property, has a larger garden than other dwellings within the terrace and can therefore accommodate a dwelling without upsetting the current spatial pattern of the terrace.

A previous application LU/350/20/PL was approved conditionally at committee. This current application is of a similar nature; however, it proposes a single storey flat roofed rear projection 4m in depth which will provide the occupants with an enlarged kitchen/dining room. The agents have stated that this extension could be built under a Prior Notification Application for a Larger Homes Extension, and this would not receive objections from neighbouring properties, given the fact that the only neighbour would be the current occupiers of 215 Timberleys, who are also the applicants for this application. It is noted that Littlehampton Town Council believe this addition to be an over development of the site. Although it is agreed the extension to the current scheme would not provide a rear garden length in line with Design Guidance recommendations, it is also noted that the property does have the additional side garden space, not afforded to other properties in the terrace, as such this is not considered a reason to refuse this application.

The Northern boundary of the proposed dwelling would face towards Worthing Road. At its closest point, the proposed dwelling is approximately 1m from the Northern boundary of the application site, then widening to 5m. Whilst this is close to the street scene of this highway, it is not considered that the proposal would give rise to any unduly dominant appearance within this street scene, this is due to the separation distance provided by the planting and the foliage present between the site boundary and this public footpath ie this mitigates any potentially harmful impact.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect 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. The proposal will increase the length of the row of houses to six, which will accord with the neighbouring row

of dwellings, and appear harmonious with the character of the locality in accordance with D DM1 of the Arun Local Plan, Section P of the Arun Design Guide and Paragraph 124 and 127 of the National Planning Policy Framework all of which relate to the creation of well-designed places.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan, Section P of the Arun Design Guide, paragraphs 124 and 127 of the National Planning Policy Framework.

SPACE STANDARDS

The new dwelling will have an internal floor area of 124 sq.m which is 12sq.m. above the minimum requirement of a four bedroom, six person, three storey dwelling.

The rear garden would be 6.7m in length and is shorter than other gardens found elsewhere in the area mainly due to the 4m rear extension. Whilst this does not comply design guidance it is noted that this property is afforded with a side garden, which ranges from 1m in width to 5.05m. This additional space is considered to alleviate any issues with the restricted rear garden.

The proposal accords with Policy D DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development would not project forward of No. 215 Timberleys, nor others in the terrace. However, the rear protrusion of the proposed dwelling does infringe on the 45-degree rule for rear extensions and conflicts with Part P of the Arun Design Guide. It is believed that this protrusion (extension), which will be built up to the party wall line shared with No 215, will be overbearing on the future occupiers of this space and create an unsatisfactory relationship between both dwellings. As stated within the application documents, when the property is built it will be afforded Permitted Development Rights and the applicants could provide an extension to the rear of the property of up to 3m in depth. However, this does not automatically include the right to build a Larger Homes Extension under a Prior Notification, which an extension of this size would require. To be allowed such an extension the due process of a Prior Notification Application should be undertaken, rather than gaining the extension by default as part of this application.

The proposed development does not result in any significant loss of privacy to the occupiers of No. 215 as the proposed openings either face towards the street scene, or to the rear garden.

However, the overbearing nature of the proposal will have an unacceptable impact on residential amenity of the neighbouring property by creating overshadowing, and therefore be in conflict with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed dwelling is in an established residential area, and it is not considered that the increase in associated vehicular movements would result in a severely harmful impact upon the local highway. The proposed dwelling provides for one parking space when the parking demand is for 3 spaces, as stated by the Arun Parking Standards Supplementary Planning Document. However, this is not uncommon for the area, as most dwellings along the road provide only one space. Also within the area there is provision for communal parking and there are no on-street parking restrictions operating.

Whilst the proposal does not comply with one aspect of T SP1 of the Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan in that it fails to provide the required off street parking, for the reasons given above it is considered acceptable and not a reason on its own to refuse this application. The proposal would not result in a severe impact upon the highway.

ENERGY EFFICIENCY

The application has not considered energy efficient and low carbon energy supply measures and it is believed that there is an opportunity on site to provide energy saving technology. It is felt that this could enhance the quality of life for the proposed occupants and future proof the development, an opportunity which must be taken. Whilst it is not the remit of development control to stipulate which measures are suitable for a site, it could be conditioned (if the scheme was otherwise acceptable) that the applicant provide a statement of Energy and Climate Change Mitigation Measures and how the proposed development intends to meet current standards and future proof the development.

Currently the development does not accord with Policy ECC SP2 of the Arun Local Plan. However, as stated this could be addressed by way of condition and so is not a reason for refusal.

SUMMARY

The development is considered to be overbearing and will overshadow the neighbouring property and is therefore recommended for refusal.

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.

RECOMMENDATION**REFUSE**

- 1 The proposed development by reason of its scale and location has a detrimentally harmful impact upon the residential amenities of the neighbouring property at 215 Timberleys in that the proposed development would be overbearing and overshadow the rear of the property in conflict with policies D DM1 (3) of the Arun Local Plan, Policy 1 of the Littlehampton Neighbourhood Plan and Part P of the Arun Design Guide.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.