

Recommendation Report for Planning Permission

REF NO: LU/284/20/PL

LOCATION: 54 Arundel Road
Littlehampton
BN17 7DD

PROPOSAL: Demolition of 3 No. garages & erection of a four-room house of multiple occupation with shared facilities & parking for 3 cars (resubmission of LU/125/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to construct an HMO with 4 bedrooms in a 2 storey building, 5.2 metres to the eaves, 8.24 metres to the ridge with a width of 8.41 metres and a length of 9.83 metres filling up the plot leaving approximately 1 - 2.6 metres of outdoor space around the dwelling. It would also incorporate 3 car parking spaces on the east rear side of the building.
SITE AREA	170 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A 1.8 metre flint and lime wall to the southern and northern borders of the site. An existing garage forms the rear eastern border of the site and a temporary wooden fence to the western border of the site with the primary dwelling 54 Arundel Road.
SITE CHARACTERISTICS	The site is currently occupied by a triple garage in the garden of 54 Arundel Road a large 3 storey Victorian property which has been sub divided into apartments.
CHARACTER OF LOCALITY	A pre-dominantly residential area consisting of large Victorian houses divided into apartments, bespoke designed apartments blocks and terraced houses to the rear of the property along York Rise.

RELEVANT SITE HISTORY

LU/125/19/PL	Demolition of 3 no. garages & erection of 7 room HMO with shared facilities & parking for 3 cars.	Refused 19-09-19 Appeal: Dismissed 01-04-20
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A recent application was refused on the grounds of adverse impact on residential amenity of neighbouring properties, in adequate amenity of proposed property and lack of external amenity space. A subsequent appeal was dismissed. The main issues were (i) the effect of the proposed development on

the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of the occupiers of No 1 York Road and Nos 52 and 54 Arundel Road in respect of outlook, sunlight and privacy; and (iii) whether adequate living conditions would be provided for future occupiers of the proposed development in respect of outlook, natural light and the provision of outdoor amenity space.

The building has been reduced in size and some impacts on neighbouring properties have been reduced. There is still a significant impact on the residential amenity of no 1 York Road and 52 and 54 Arundel Road as well as inadequate living conditions for the future occupiers of the proposed development which amount to a negative impact on the character and appearance of the area.

REPRESENTATIONS

Littlehampton Town Council objection on the following grounds;

Contrary to policy H SP4 of the Arun Local Plan.

Adverse impact on the character of the area.

Contribute to excessive parking demands in the area.

Overbearing overdevelopment of the site.

Neighbour objections

Parking spaces are reserved for use of the existing HMO under planning application LU/271/91.

Parking demand for two large houses is not being met.

Loss of privacy to 52A Arundel Road.

Add to anti social behaviour at existing HMO.

COMMENTS ON REPRESENTATIONS RECEIVED:

Anti social behaviour is not a relevant planning consideration. All other issues are addressed in the conclusions section of the report

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objection.

West Sussex County Council (WSCC) Highways - No objections.

Arun District Council Environmental Health - No objections in principle.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS A ROAD

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HSP4	H SP4 Houses in multiple occupation
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

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.

Policy 1 of the Littlehampton Town Council Neighbourhood Plan applies.

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 building would:

- Be overly cramped on the site.
- Be out of character with existing built development in the area.
- Provide a substandard form of accommodation for future occupiers.
- Have an adverse impact on the residential amenity of neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key Policy considerations in the determination of this application are deemed to be D DM1, D SP1, H SP4 and T SP1 of the Arun Local Plan.

The main issues are;

- out of character in existing area.
- harm to residential amenity of neighbouring properties.
- harm to residential amenity of proposed property.
- lack of external amenity space.

In principle the proposed development for a House in Multiple Occupation within the built up area of Littlehampton is acceptable subject to other policies within the Arun Local Plan as set out above;

DESIGN AND VISUAL AMENITY

Policy D DM1 - Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

1. Character
2. Appearance/attractiveness
3. Impact

Policy D SP1 requires that development proposals should 'reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.'

The proposed property would be a large building located on a small plot with very little space surrounding it. A 3.6 metre front garden is the only external space being provided which when taking into account the excessive scale of the proposal when viewed from the street scene, would lead to an overly cramped appearance.

The properties surrounding it along Arundel Road are characterised by large 3 storey Victorian properties with 20 metre gardens. The development would be located within the garden space of a large 3 storey Victorian House, 10 metres from the main house and would be 2 stories itself. It would be located 10 metres from a two storey end terraced property at 1 York Road beyond the end of the plot such that the cumulative impact of the proposed development on the character of the street scene would be considered overbearing, overcrowded and unacceptable failing to reflect the characteristics of the surrounding area,

The development would be overly cramped in appearance and out of character and fail to reflect the surrounding area and therefore would be considered unacceptable in relation to policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

There are three areas of concern regarding residential amenity:

- The impact on neighbouring dwellings.
- The living conditions of the occupiers of the property itself.
- External and internal space

The neighbours at 1 York Road to the rear have facing windows at ground and first floor levels including sole windows to bedrooms at first floor level. The separation distance of 12 metres to bedroom windows at the new property would lead to a loss of privacy. A distance of 20 metres between primary habitable room windows would normally be expected.

The rear windows of 52 and 54 Arundel Road would likewise be impacted as a result of the 8.4 metre height and mass of the new building causing an overbearing impact and loss of light as well as a loss of privacy from primary windows in the new build which would be 10 metres distant between facing primary habitable room windows where a distance of 20 metres would normally be expected.

With regard to harmful overlooking impact on the ground floor windows of aforementioned properties number 1 York Road has views already available from the use of the adjacent footpath and harmful views into 52 and 54 Arundel Road could be mitigated by way of a screen/fencing condition.

The proposed property would have a kitchen/diner room window at ground floor level which would face a 2 metre boundary wall at a distance of 2.5 metres which would cause a poor level of light and an overbearing impact on those primary habitable room windows.

The Arun Design Guide requires that a 4 bedroomed house should provide a 10.5 metre back garden the width of the house. In this case a 2.8 metre strip is provided to the west of the property which is not enough to provide adequate outdoor amenity space for the intended occupiers.

The internal space standards for a 4 bedroomed house (8 persons) is 124 sq.m. The house is 128 sq.m. in floorspace and as such is in accordance with the nationally described housing standards.

In conclusion as a result of the impacts of the proposed building on loss of light & privacy and an overbearing impact on neighbouring properties and a poor standard of residential amenity for the host dwelling, the proposal is not considered to comply with policy D DM1 with respect to residential amenity.

HOUSES IN MULTIPLE OCCUPATION (HMO)

Policy H SP4 seeks to encourage the development of HMO's subject to the following criteria;

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;
- b. Do not contribute to the generation of excessive parking demands or traffic in an area;
- c. Provide adequate areas of open space.

The proposal is for a 4 bedroomed HMO which under policy H SP4 will be favourably considered if they meet the criteria set out. In this case the proposed building is considered to be out of character with the area as set out above and would fail to provide adequate areas of open space for such a large household.

For the above reasons the proposal is not considered to comply with policy H SP4 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Policy T SP1 of the Arun Local Plan states that the Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking.

The site is sustainably located, close to Littlehampton Town Centre and no objection to the development has been made by West Sussex County Council.

The proposals would be unlikely to have a 'severe' impact on the operation of the highway network and therefore is not contrary to the NPPF and is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan.

SUMMARY

The proposed scheme fails to complement the character of the area, provides a poor level of amenity and fails to meet the criteria for houses in multiple occupation, issues which are so significant that the presumption in favour of sustainable development is overcome and refusal is recommended for the following reasons:

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

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 As a result of its scale, layout, siting and proximity to neighbouring properties the proposal would provide an inadequate level of residential amenities in the form of a loss privacy, loss of light and unacceptable overbearing impacts to the first floor windows of no.1 York Road and 52 and 54 Arundel Road and prospective occupiers in conflict with policy D DM1 of the Arun

Local Plan.

- 2 Due to its mass, scale and limited plot size the development would be out of character and appearance with the surrounding area and fails to provide an adequate area of open space in conflict with policies D DM1, D SP1 and H SP4 (a) & (c) of the Arun Local Plan.
- 3 **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.