

Recommendation Report for Planning Permission

REF NO: LU/285/18/PL

LOCATION: 2 Kestrel Way
Littlehampton
BN17 7RD

PROPOSAL: Division of house into two dwellings and replacement of conservatory with flat
roofed extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	350 sq. metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Officers note that there are trees to the rear boundary, within the garden of the application site. From an assesment of the plans it is noted that the proposed single storey rear extension would be of a similar depth to that of the existing conservatory and as such it would not be sited any closer to the aforementioned trees. As such, it is considered that no detrimental impact would occur to any trees.
BOUNDARY TREATMENT	The rear of the site is enclosed by close boarded fencing with some planting to the rear boundary.
SITE CHARACTERISTICS	Detached two storey dwelling with rear garden and driveway/garden to front.
CHARACTER OF LOCALITY	The area is one of primarily residential dwellings, formed of a variety of property styles, including detached, semi-detached and terraced two storey dwellings with rear gardens.

RELEVANT SITE HISTORY

LU/243/01/	Two storey extension	ApproveConditionally 05-10-01
LU/129/99/	Extensions & alterations	ApproveConditionally 08-07-99

Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Littlehampton Town Council: Do not object.

No neighbour representations have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water: Do not object but note that Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. The recommend the imposition of an informative should planning permission be given.

Council's Drainage Engineer: Does not object to this application and does not recommend the imposition of any conditions on any grant of planning permission. Their comments are summarised as follows:

The supplied FRA states that flood proofing will be incorporated where possible. We would advocate the use of flood resilient design.

As the proposed change in impermeable area is small and outside of the Lidsey Catchment we do not request any conditions are imposed.

Surface water drainage should be designed and constructed to comply with building regulations.

Environment Agency: Have been consulted but have not commented at the time of the Officers assesment.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary
Within Flood Zone 2

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

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

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.

The plan relevant to this application is the Littlehampton Neighbourhood Development Plan. The following Policies apply:

Policy 1 - The Presumption in Favour of Sustainable Development.

Policy 2 - A Spatial Plan for the Town.

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 complies with relevant Development Plan policies in that it would have no materially

adverse effect on the visual amenities of the locality, the safety of local highways, the residential amenities of the adjoining properties or 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 lies within the Built up Area Boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

DESIGN AND VISUAL AMENITY:

The proposed division of the property known as 2 Kestrel Way Littlehampton would lead to the creation of a pair of semi-detached properties. From the Officer's site visit it was noted that there are a variety of differing property styles within the area. Therefore, it is considered that the resultant dwellings, as proposed, would not have a detrimental impact on the streetscene or the wider area.

Having regard to the proposed external materials that would be used, with particular regard to the rear extension, it is considered that they would be acceptable.

The proposed extension is considered to comply with policies D DM1 and D DM4 of the Arun Local Plan 2011 - 2031.

NEIGHBOUR AMENITY:

Given that there are no changes to window openings to the rear of the application property there are no changes to the existing overlooking that occurs.

A single storey rear extension is proposed to the rear of the proposed semi-detached dwelling adjoining property number 4. The proposed rear extension would replace the existing conservatory. Having regard to the windows in the rear elevation of number 4 along with the separation distance and the orientation of the dwellings, it is considered that the proposals would not have detrimental impact on the occupiers of adjoining and neighbouring properties along with those to the rear. Some loss of light would occur to the kitchen/dining area of the adjoining new semi-detached property, as a result of the proposed rear extension. However, Officers note that there are both a set of French doors and a window in the rear elevation which would serve the kitchen/dining area. Therefore, Officers do not consider that any loss of light would be so detrimental as to warrant refusal, especially as when the 45 degree rule is applied, as the window would not be substantially affected.

As such, it is considered that the proposed development would not have a detrimental impact on the residential amenity of the occupiers of neighbouring properties with regard to overlooking, overbearing effect, overshadowing and loss of light/sunlight.

The proposed extension is considered to comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

PARKING AND HIGHWAY SAFETY:

Arun Local Plan 2011-2031 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. In respect of parking, it 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"

While the 3 spaces provided would be a shortfall of 1 space it was noted on the note that at the time of the site visit there were no on road parking restrictions along Kestrel way. Therefore, it is considered that the proposed parking arrangement would be acceptable.

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

From an assesment of the proposal it would result in the parking of 3 cars to the front of the dwelling. This would necessitate the extension of the existing tarmac area. Officers note that the application site is on the junction of Kestrel way and Seaton Park and that there is already parking spaces for 2-3 vehicles Off-road. Therefore it is considered that the proposed parking in the layout shown would not lead to any detrimental highway safety issues over the existing parking arrangement.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan 2011 - 2031.

IMPACT ON FLOODING AND FLOOD RISK.

The application site falls within Flood Zone 2 and as such this proposal proposes a new dwelling within it. The applicant has provided a flood risk assesment where they have indicated that the floor levels within the proposed development will be set no lower than existing levels and flood proofing measures of the development has been incorporated where appropriate. Officers note that no flood risk measures have been detailed. As the proposal is for the division of an existing house that is already within Flood Zone 2, it is that if the applicant ensures that e.g. plug sockets etc. are installed at the same level as existing this would be acceptable.

As such, it is considered that the proposal would comply with Policy W DM2 of the Arun Local Plan 2011 - 2031.

SPACE STANDARDS.

Policy D DM2 of the Arjun Local Plan states that the Authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for

residential use.

There are no national or local Policies or legislation that apply to external amenity space provision. However, having regard to proposed rear gardens it is considered that they would be of an appropriate size.

The applicant has not stated the number of bed spaces (persons) however from an assesment of the space standards the proposed dwelling furthest from adjoining property number 4 (henceforth known as dwelling 1) is considered to be a 2 bed property with 1 single bedroom and 1 double bedroom. Bedroom 3 as shown on the plan does not comply with the space standards for either a single or double bedroom. It is therefore considered that the dwelling would have 3 bed spaces (persons). For a 2 bedroomed, 3 person, 2 storey dwelling a minimum gross internal floor area of 70 metres squared is required. From an assesment of the submitted plans a gross internal floor area of approximately 76.7307 metres squared would be provided, which would comply with the Internal Space Standards. The dwelling adjoining property number 4 (henceforth known as dwelling 2) is considered, having regard to the internal space standards to be a 2 bed property with 2 single bedrooms. Bedroom 3 as shown on the plan does not comply with the space standards for either a single or double bedroom. It is therefore considered that the dwelling would have 2 bed paces (persons).

The Internal Space Standards do not take account of 2 storey, 2 bed, 2 person properties. Dwelling 2 would have a gross internal floor area of approximately 88.1419 metres squared which is considered to be acceptable. While the submitted plans do not show the provision of 2 .0 metres of internal storage per dwelling, as stated in the internal space standards, Policy D DM2 of the Arun Local Plan notes the Nationally Described Space standards to be guidance. Therefore, given the gross internal floor area that is proposed, Officers do not consider that the lack of provided internal storage space to be a reason for refusal.

From an assesment of the Internal Space Standards it is considered that the resultant proposed dwellings would comply.

As such, the proposed dwellings would comply with the internal space standards as set out in the 'Technical housing standards - nationally described space standard (2015)' and Policy D DM2 of the Arun Local Plan 2011 - 2031. .

LITTLEHAMPTON NEIGHBOURHOOD DEVELOPMENT PLAN:

From the Officer's site visit and an assesment of the plans, it is considered that the proposal would comply with Policy 1 and 2 of the Littlehampton Neighbourhood Development Plan.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to the following conditions.

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 (right to respect 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 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

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:

18/49/2
18/49/3
18/49/4
18/49/5

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.
- 3 The materials and finishes of the external walls of the building hereby permitted shall match in colour and texture those of the existing building, except those used in the flat roof of the rear extension element hereby approved.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until the parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.
- 5 **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 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.

- 6 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.