

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

REF NO: LU/296/15/HH

LOCATION: 41 New Road
Littlehampton

PROPOSAL: Retention of CB Antenna. This application may be determined by Littlehampton Town Council under delegated powers.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks retrospective planning permission for an existing CB antenna. The antenna is mounted at the top of aluminium poles which have been joined together and are fixed to the rear wall of the dwelling with metal brackets. The aluminium pole element is 7.92m high and rises to approximately ridge level. The antenna is a further 6.7m in height and rises well above ridge level. The overall height is 14.62m (approximately 48 feet). The upper antenna part has a thin 'whip' like appearance. The joined poles upon which it is mounted have a scaffold pole galvanised appearance. They are bolted to the wall with 2 angle iron brackets and stand off the wall by 0.45m.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the development.

BOUNDARY TREATMENT

The rear of the site is screened at lower level by a rear boundary and fencing, none of which exceed 2m in height. The front boundary of the site is effectively formed by the main dwelling, which a small front area enclosed by a dwarf wall.

SITE CHARACTERISTICS

The site is occupied by a terraced dwelling which also has a small front roof dormer and room in the roof. At the rear these terraced dwelling also have projecting two storey elements with rear windows.

CHARACTER OF LOCALITY

The immediate area is a residential one and is characterised by terraces of two-storey dwellings. To the north of the site there are also terraced dwellings in Clifton Road and

Bayford Road. The nearest of these do not have windows facing towards the site. No.43 adjoining is presently undergoing works/refurbishment shares the other half of the rear two-storey element already referred to and has ground and rear first floor windows.

To the rear of the dwelling and nearby is a telegraph pole with wires running to a considerable number of nearby dwellings. This pole is not as high as the antenna, which does not greatly exceed the eaves level of the surrounding dwellings.

RELEVANT SITE HISTORY

LU/145/56	Use of one room as a sewing machine workshop	Approve 11-01-1957
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REPRESENTATIONS

Representations received:

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Estates Manager
Environmental Health

Consultations responses received:

The Environmental Health Officer has no objections.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Class A Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)

Littlehampton Neighbourhood Plan 2014 Policy 1 D SP1 Design
The Presumption in Favour of Sustainable
Development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice 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

The Littlehampton Neighbourhood Development 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 the Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

There are no policies in the Littlehampton Neighbourhood Development Plan that are 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 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.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development 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 the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and

D SP1 in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN & VISUAL AMENITY

The key issues in the application are:

Impact on the Visual Appearance of the Site.

Impact on the Visual Appearance of the Locality.

Impact on the Visual Amenity of Surrounding Occupiers.

Impact on the Visual Appearance of the Site.

The antenna is located on the rear elevation of the dwelling and on its own would represent the introduction of a discordant visual element on the rear of the dwelling. However, the rear of the dwelling is not widely visible and therefore the works do not result in a significant impact on its appearance.

Impact on the Visual Appearance of the Locality.

The antenna is located on the rear of the dwelling. It is not widely visible from street level in New Road, a small element of the thinner antenna element is just visible at street level from across the road to the south.

The antenna is visible from the rear looking across from both Clifton Road and Bayford Road, this is through the gaps between the side of Clifton Road and Bayford Road terraces and the rear of the New Road terrace. It would also be visible from the rear footpath serving the New Road terrace. The antenna is not widely visible and views of it are limited to its immediate vicinity. In addition, it should be noted that the telegraph pole with associated wiring arguably has a greater visual impact.

The antenna is a slightly discordant element visually, but given the limited views and therefore limited visual impact it is not considered that there is significant harm to the appearance of the locality. It is not therefore considered that permission should be refused.

Impact on the Visual Amenity of Surrounding Occupiers.

The adjoining and nearby occupiers, particularly of no.43, are those most likely to have close views of the antenna.

The dwellings to the north will not generally see the antenna except from their rear gardens and it is some distance away, with the telegraph pole in the foreground. It is not therefore considered

that there is any significant harm to the visual amenity of dwellings to the north.

Adjoining dwellings in New Road, particularly no.43, will find the antenna more visible. However, it will be close to the rear wall of the application dwelling and is not considered to be unduly intrusive visually. There will be little if any impact on outlook from the rear windows of these dwellings. The antenna will be visible from rear gardens and will be a slightly incongruous feature, but it will be seen against the main dwelling and therefore its visual impact is limited.

It is not considered that there will be a level of harm to visual amenity of surrounding occupiers such the refusal would be justified or sustainable.

OTHER

The antenna is associated with the hobby of the applicant. It can be reasonably expected that at such time as the applicant moves, the need for the antenna would cease and that it would or could be removed. It would be reasonable to impose a condition requiring removal of the antenna once the applicants need for hobby related use ceased. This would prevent any on-going limited impact into the future.

The current planning application result from this matter being drawn to the attention of the Council by an occupier in the locality. That occupier has been advised of this application and no further representations have been received.

CONCLUSIONS

The antenna has a limited visual impact that is not considered to be so harmful as to justify a refusal of planning permission. Removal of the antenna can be secured by a condition and thereby the limited impact on visual amenity will cease at some time as the applicant moves/the hobby ceases.

It is therefore recommended that planning permission be granted subject to the following condition(s):

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 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

In assessing this proposal the 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 planning permission hereby granted shall be for the benefit or the applicant, Mr Philip Rosier, only and shall not be for the benefit of any other person or occupiers of no.41 New Road, Littlehampton BN17 5AT. The antenna, the mounting poles and the brackets hereby permitted shall be removed within 1 month of the cessation of the occupancy of no.41 New Road, Littlehampton BN17 5AT by Mr Philip Rosier.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

- 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 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.