

Recommendation Report for Planning Permission

REF NO: LU/297/19/PL

LOCATION: Land to rear of
141 Wick Street
Littlehampton
BN17 7JY

PROPOSAL: 1 No. new dwelling (resubmission following LU/84/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect 1No. dwelling, it features 3 bedrooms.
	This differs from previously application LU/84/19/PL in that roof design has been altered, with a reduced scale. The scale of the host dwelling has been reduced, partially in order to create a distance of 0.7m from the Northern and Southern boundaries of the application site.
SITE AREA	Approx. 0.01ha.
TOPOGRAPHY	The site slopes up approximately 1.3m from East to West.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site is bordered by 1.8m high, close board fencing.
SITE CHARACTERISTICS	Enclosed amenity land, owned by 66 Colebrook Road. The site benefits from a shared access, whilst this access is fronted by a layby/bus stop, the road in this location is protected by a waiting restriction in the form of Double yellow lines.
CHARACTER OF LOCALITY	The site is back land, unused amenity land.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Parish Council - Objection.

- Out of character in terms of appearance compared with development in the vicinity.
- The proposal does not solve any of the concerns raised in the previous application.

6 letters of objection:

- A business requires constant access to the shared access.
- The building work may obstruct this access.
- The application is an invasion of privacy to 2a Courtwick Road.
- The application does not show any provision for turning within the site.

- The access to the site is through an existing archway, between two shops.
- If the residents park or leave bins on the access it will disrupt the access.
- There is no access for emergency vehicles.
- The access path is 2.2m wide, not 2.5m as stated by W.S.C.C.
- Foot access is dangerous through the archway, and this will add to that.

Letter of support from agent:

- The changes made have been made in order to address the concerns previously raised.
- Regarding the appearance, there is a varied mix of materials, and roof designs in the local vicinity.
- There are no windows on the Southern elevation of the proposed dwelling.
- Shared rights of way, building works and security are non-material matters.
- The proposal is a small residential scheme which would make efficient use of existing land.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusions section of the report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes
Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - The LHA do not consider that this proposal would have an unacceptable impact on highway safety, or 'severe' cumulative impacts on the operation of the highway network. Therefore, the proposal is not contrary to Paragraph 109 of the National Planning Policy Framework, and there are no transport grounds to resist the proposal.

The Council's Drainage Engineers - No objection.

Greenspace - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments 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
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation

QESP1	QE SP1 Quality of the Environment
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary

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 relevant policies in the Littlehampton Town Council Neighbourhood Plan have been taken into account.

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 it would represent an overdevelopment of the site resulting in an unsatisfactory living environment for prospective occupiers and neighbouring residents which would not be in keeping with the established pattern of development in the 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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are D SP1 and D DM1 of the Arun Local Plan. Additionally,

Policies 1 and 2 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 13 design 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.

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.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The position of the site and its size would result in development that is not in keeping with the general pattern and scale of development in the locality. The dwelling would be positioned close to the Northern and Southern boundaries of the site. The dwelling is sited approximately 0.7m from these Northern and Southern boundaries respectively, which although allows space for access to the rear (for bike storage), this constrains the proposed dwelling and looks visually at odds with the private amenity area to the South, and the open land to the North.

Having regard to the existing character and layout of the area, it is considered that the proposal would have a constrained and cramped appearance not in keeping with the established layout and pattern of development failing to integrate with its surroundings and thereby harming the character of the locality. The proposals would therefore conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy 1 of the Littlehampton Town Neighbourhood Plan which requires development to be compliant with development plan policy which includes that development has an acceptable design and impact on occupiers of land/buildings and that it respond positively to the character of the area.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed development is considered to have an unacceptable overbearing impact on the garden to the South of the application site. This is primarily due to the scale and the design of the proposed development. The dwelling would have an eaves height 3.1m from existing ground level of the application site, of which approximately 1.4m is visible over the boundary treatment of the garden to the South. Over a length of 10.5m, the proposed dwelling is considered to appear overbearing, and unneighbourly in its appearance. The site to the North is used as a parking area.

With regard to loss of privacy to neighbouring dwellings, the development does not give rise to any harmful overlooking of adjacent sites. There are no west facing windows and the windows on the Eastern elevation of the dwelling are sufficiently distant (approximately 21m) from the first floor windows serving the flat 141a Wick Street to the East. There is an open area of currently vacant land at ground floor level, which is not private amenity land, and is instead associated with the hairdressers at 141 Wick Street. Permission LU/16/17/PL, which allows for an extension to the commercial unit, with a parking space. To the West, North and South, the windows are rooflights, and do not provide any harmful views of neighbouring dwellings due to their height above the internal floor level.

In Section 12 of the NPPF 2019 'Achieving well-designed places' the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 (f) states that planning policies and decisions should ensure that developments: 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

The site and this proposal would provide an inadequate living environment for future occupiers. While it has adequate amenity space in the rear garden, the dwelling would be sited to the rear of a terrace of flats, with business uses at ground floor level. Furthermore, the dwelling itself would be considerably set down into the ground, giving it a contained/hemmed in feeling for prospective occupiers. Also vehicle comings and goings would add to this unsuitable surrounding living environment.

The access lane to this property, whilst it is noted that it is an existing access, intensification of the use of this access should be avoided where possible, especially given that front doors of flats have direct access onto this passageway. It is considered that the intensification of the use of the access, whilst it may not give rise to any potential highway impact, is considered to exacerbate the inappropriate living conditions of neighbouring dwellings.

Accordingly, the proposal is not considered to comply with D DM1 & QE SP1 of the Arun District Local Plan and policy 1 of the Littlehampton Neighbourhood Plan.

TRANSPORT, PARKING AND HIGHWAY SAFETY

The application has been assessed by WSCC Highways who consider there is a more than adequate existing on-street parking spaces in the vicinity. The site is in a sustainable location, with local amenities

within a reasonable waking distance. The site is within 40m of the nearest bus stop served by the 9, 15 and 615 buses, which allow for travel further afield. The site proposes cycle parking, which could be ensured via condition.

Concerns of the safety of the archway access were raised during the consultation process. The development would not give rise to safety concerns relating to egress of properties of which have access into the 'archway' which forms the access to the site. This is due to the fact that this is a pathway which is subject to existing vehicular movements, and an additional dwelling will give rise to a significant increase in vehicle movements through this access. Due to the informal nature, and physical constraints of the access, it is unlikely that speeds will be high when vehicles are passing through this access.

The access was originally designed to be used by vehicles, in that the sites were previously occupied by garages, with some garages still in use. Furthermore, the access continues to be used as an access by nearby businesses, of whom will share this access with the proposed dwelling.

WSCC raise concerns relating to refuse collection. As a result of the site and its long access path, it is considered that the refuse collection could be acceptable, as this will be the egress route for the site, and the refuse bins could be brought closer to the Wick Street.

With reference to the Arun District Council Parking Standards SPD, the proposal is considered to meet these standards, in that there is an area East of the site provides space for two vehicles. The sites demand in this document is one car parking space for the development, and one visitor space.

WSCC Highways consider that the proposal is in accordance with Paragraph 109 of the NPPF. They go on to state that there are no transport grounds on which to resist the proposal. It is considered that whilst the proposal does not meet the criteria in Arun District Council's Parking Standards SPD, there are material considerations (like the parking within the area, and the public transport available) which allow the proposal to be in accordance with policy T SP1 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning 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 proposed dwelling is suitable for residential use.

The dwelling has a floor area and an internal layout depicting; 2 storey, 2 bedroom, for 4 person occupation. The required space standard is 102m². The floor area, as stated in the Design and Access Statement is approximately 104m². Therefore, the dwelling accords with the standards.

CONCLUSION

This proposal represents a contrived, speculative use of brownfield land, and it is felt the proposal would fail to provide adequate living environment for future and existing occupiers and be out of keeping with the character of the area.

The application is therefore recommended for refusal 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) 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 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 proposal would have the appearance of an unduly cramped form of development which would have an unacceptable impact on the established pattern of development in the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy 1 of the Littlehampton Neighbourhood Plan.
- 2 The proposed development is considered to be located in very close proximity to the adjacent plot of amenity land to the South and thereby have an overbearing and unneighbourly impact on the users of this space in conflict with policies D DM1(3) of the Arun Local Plan, and policy 1 of the Littlehampton Neighbourhood Plan.
- 3 The site, by virtue of its surrounds and location of access route is considered unsuitable to accommodate a dwelling that provides a suitable living environment for future and existing residential occupiers in conflict with policies D DM1 and QE SP1 of the Arun Local Plan and policy 1 of the Littlehampton Neighbourhood Plan.
- 4 **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 reasons 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.