

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

REF NO: LU/304/18/HH

LOCATION: 57 East Street
Littlehampton
BN17 6AU

PROPOSAL: To join a 90cm trellis on top of a 6m section on existing garden wall. This affects the setting of a listed building and affecting the character or appearance of East Street, Littlehampton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION A retrospective application for trellis rising to 2.9 metres in height above an existing 2 metre high boundary wall.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No objection.

CONSULTATIONS

Directorate of Airspace Policy
Conservation Officer
Listed Building Officer

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Office - No objection
No impact on the Conservation Area as not visible in the street scene.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
CLASS A ROAD
CONS AREA
BLDGS SPEC CHAR
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM3	HER DM3 Conservation Areas
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

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:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD9	Buildings or Structures of Character
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CONCLUSIONS

PRINCIPLE OF DEVELOPMENT

The principle of development is considered acceptable as the proposed development is within the built up area boundary and given the presumption in favour sustainable development in accordance with policy SD SP2 of the Arun Local Plan and policy 1 of the Littlehampton Neighbourhood Plan subject to accordance with other policies within the Arun Local Plan, the Littlehampton Neighbourhood Plan and national planning policy and guidance unless material consideration indicate otherwise.

DESIGN AND VISUAL AMENITY

The proposed trellis fencing is designed to accommodate growing plants and is acceptable in its location within the rear back garden of a dwellinghouse. The fencing is subservient to the main dwellinghouse and has no impact on the street scene or wider area. The proposal is therefore considered to be acceptable in its design and impact on visual amenity and to accord with policy D DM1 and D DM4 of the Arun Local Plan in this respect.

RESIDENTIAL AMENITY

Positive impacts

The garden of no. 57 at this location is directly overlooked by a balcony at no. 55 and the proposed trellising is designed to restrict direct overlooking into their back garden. As such the proposal represents an improvement in privacy and restriction of overlooking for the occupiers of both properties.

Negative impacts

The key issue is loss of light and overbearing impact given that 55 East Street has a ground floor kitchen with five picture windows facing east directly toward the trellising as it has been erected.

There is a north facing top panel window in a rear door of the kitchen (accessing the garden) however the five picture windows of the kitchen provide the main limited source of outlook and light which already face the original 2 metre painted brick wall at a distance of 1.25 metres.

The height of the trellising does have a greater impact on 55 East Street as the floor level on their side is lower than the floor level on the side of 57 East Street by some 50 cm where the trellis fencing has been installed.

Overbearing impact

The trellising as constructed projects 0.9 centimetres above the existing wall and does have a significant additional overbearing impact on the five picture windows at 55 blocking out most of the open sky from the windows previously enjoyed across all five windows.

Loss of light

The trellising as constructed is permeable to some degree however given that the trellising fills much of the outlook from the kitchen windows at 55 East Street it is also considered to cause a significant loss of light to those windows.

For this reason the proposal is considered to cause a significant loss of light and a significant or overbearing impact on the neighbouring property at 55 East Street it is not considered to comply with policy D DM1 (3) and D DM4 (c) of the Arun Local Plan and guidance within the National Planning Policy Framework at para. 127 (f).

CONSERVATION AREA & BUILDING OF SPECIAL CHARACTER

The proposed trellis fencing cannot be seen from outside of the private rear gardens of 55 and 57 East Street and therefore preserves the Conservation Area as It does not have any visual impact upon it.

The proposal is considered to accord with policy HER DM3 of the Arun Local Plan.

The proposal does not impact upon the setting of 57 East Street as a Building of Special Character nor does it fail to preserve any of the buildings architectural, landscape of historic interest . The proposal is therefore considered to comply with policy HER DM2 of the Arun Local Plan.

The retrospective development of trellis fencing is not considered to comply with policy within the Arun Local Plan, Littlehampton Neighbourhood Plan and national policy and guidance and It is therefore recommended that permission be refused for the following reason;

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 trellising as constructed at 0.9m above a two metre boundary wall causes a significant loss of light and overbearing impact on the kitchen of the neighbouring property at 55 East Street and as such the development fails to comply with policy D DM1 (3) and D DM4 (c) of the Arun Local Plan and guidance within the National Planning Policy Framework at paragraph 127 (f).
- 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.