

Recommendation Report for Planning Permission

REF NO: LU/310/17/PL

LOCATION: 93 East Ham Road
Littlehampton

PROPOSAL: Conversion of house into 1 No. 3 bed house & 1 No. 2 bed house (resubmission following LU/359/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is a resubmission of an earlier approved application for conversion and refers to the conversion of a four bed dwelling into a two bed dwelling and a three bed dwelling.

The proposal includes the following minor additions to the property;

a) pitch roofed porch with a floor area of 2 metres to the side elevation at the entrance to the 2 bed unit.

b) an open porch cover to the side elevation door of the 3 bed unit

c) bin stores are provided for both units on the side elevation of the property.

All of these alterations have previously been approved.

SITE AREA

210 sq.m

RESIDENTIAL DEVELOPMENT DENSITY (NET) 95 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Low brick wall to the front and side yards and a 1.6 metre brick wall and double wooden gates to the rear garden

SITE CHARACTERISTICS

End terraced 2 storey dwelling with rooms in the roof located on the corner of East Ham Road and Linden Road. The side elevation faces the recreation ground and St. Johns Ambulance building. The property has a small yard to the front and sides with a small garden to the rear.

CHARACTER OF LOCALITY

Residential street in an urban environment

close to Littlehampton town centre. It has a uniform character of Victorian terraced 2/3 storey properties in small plots with small yard/gardens at the front with small walled gardens and shared alleyways to the rear. A number of the large terraced houses in East Ham Road have been converted to flats and HMO's.

RELEVANT SITE HISTORY

LU/359/16/PL	Conversion of 1 No. dwelling into 1 No. 3 bed apartment & 1 No. 2 bed house.	ApproveConditionally 01-03-2017
LU/101/17/NMA	Application for non material amendment following grant of planning permission LU/359/16/PL - retention of existing extension, addition of single glazed door & slight repositioning of window	Approve 20-04-2017

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environmental Health

WSCC Strategic Planning

Consultations responses received:

County Highways - No Objection.

The current proposal is a resubmission to alter the description from 3-bedroom apartment to 3-bedroom house. The changes would not alter our previous advice though the LPA should be aware that whilst a nil car parking provision is proposed the development could see a demand for 3 spaces. We do not consider this highway safety grounds to resist the proposals though the LPA may wish to consider the amenity aspects and impact on on-street parking.

The LPA is referred to our previous comments to LU/359/16:

Whilst it is appreciated that there are no junction protection lines where Linden Park and East Ham Road meet we consider as a result of the local road layout and existing presence of on street parking that vehicle speeds will not be in excess of the posted limit. Any illegal parking

could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

The site is located within a reasonable walking distance of local shops, services, amenities and passenger transport infrastructure.

Comments on Consultation responses:

Comments noted. The amount of accommodation has not increased beyond that approved previously under LU/359/16/PL so there would be no justification now to object to the adverse impact of additional parking on residential amenity,

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7 GEN12	Built-up Area Boundary The Form of New Development Parking in New Development
Publication Version of the Local Plan (October 2014):		D DM3 External Space Standards D DM1 Aspects of Form and Design Quality T SP1 Transport and Development
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 District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policy 1 of Littlehampton Neighbourhood plan is considered relevant to consideration of the application.

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.

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

The property was granted planning permission, reference no: LU/359/16/PL, on 1st March 2017 for conversion from a 5 bed end of terrace house into 1 x 2 bedroom house and 1 x 3 bedroom

apartment. The conversion works are currently being carried out. This application amends the previous approval by altering the description to relate to two houses, instead of an apartment and a dwelling. It also includes the retention of the flat roofed extension approved under LU/101/17/NMA, instead of the replacement single storey addition approved under LU/359/16/PL.

Under application LU/359/16/PL the approved 3 bedroom apartment was arranged as a house over three floors with its own separate entrance. The applicants were advised to refer to this as an apartment on the previous application in order to bring the outside amenity space in line with ADC standards. However, the mortgage lenders will not lend on a freehold apartment such as this and for this reason the applicants wish to change the description of this property to a 3 bedroom house hence the revised description of the planning application.

It is proposed to split the property into 1 x 3 bedroom house and 1 x 2 bedroom house by dividing the front from the rear. Each dwelling would have its own private external amenity space. The layout of the proposal, together with any external changes and extensions are all as approved under application LU/359/16/PL and LU/101/17/NMA.

There has been no change in policy since determination of application LU/359/17/PL and the development has commenced. The only change that can be considered as part of this application is the amount of external space to serve each property. Since the area has not changed and the extent of accommodation has not altered it would seem unreasonable to refuse the application based on a lack of adherence to this policy. External space standards are set in emerging Local Plan policy DDM3 (External Space standards). For a 3 bed flat the requirement is 6 sq.metres, for a 3 bed house it is 85 sqm. The proposal provides 39 sq.m. The 2 bed house requires 85 sq. metres. 29 sq m was previously accepted . Following retention of the existing extension to the rear the outside space has now increased to 33sqm. It falls short of the required external space standard by approximately a half. The 3 bedroom unit would now also provide amenity space below that expected for a 3 bed house.

However the disparity is less than that for the 2 bedroom house. On balance, given the town centre location of the dwelling and the close knit character of the area and the availability of open space directly opposite, it is not considered that the shortfall in space to both units is reason to refuse the application on the grounds of a lack of compliance with policy DDM3 of the emerging Local Plan. Particularly since the amount of accommodation is as previously approved.

The application is therefore recommended for approval subject to the following conditions,

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;

Dwg. No. 1 - Proposed Block Plan

Dwg. No. 03 F - Proposed Plans and Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses created shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 6 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.