

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

REF NO: LU/312/14/HH

LOCATION: 13 Irvine Road
Littlehampton

PROPOSAL: Raise height of existing front boundary wall.
This application may be determined under delegated powers by Littlehampton Town Council. This application affects the character and appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 580 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Western boundary consists of approximately 0.4m brick wall. Eastern boundary wall has terracotta honeycomb walling to a height of approximately 2 metres. Subject wall backs directly onto the pavement and is approximately 1 metre in height with half circle stone capping and approximately 1.4 metre decorative stone capping.
SITE CHARACTERISTICS	The site is occupied by a semi detached 3 storey Victorian dwelling with knapped flint and brick walls and decorative chimneys.
CHARACTER OF LOCALITY	The site is situated within the Littlehampton (Sea Front) Conservation Area. The area is located on a mature residential road characterised by semi detached dwellings within large plots of various styles and designs, some of notable character. There is a large high rise block of flats in the vicinity. There are similar walls as to that proposed in the immediate area.

RELEVANT SITE HISTORY

A previous planning application was submitted under reference LU/250/08/ for the addition of "Terracotta honeycomb walling to top of existing front wall, raise brick pier & re-fix existing stone capping". This application was permitted on the 07/10/2008 but was never implemented by the

applicant.

REPRESENTATIONS

Representations received:

Conservation Area Advisory Committee:-

Objection for several reasons - suggested height too heavy for existing wall. Would prefer the wall to be raised as high as the one next door. But unless the entire length of wall was done this does not enhance the conservation area. Perhaps the case officer could explore both properties building their walls together to the same height of the existing wall of the tallest property.

Comments on Representations received:

In response to the comments of the Conservation Area Advisory Committee I would state that a separate application was submitted under reference LU/285/14/HH for the wall outside 11 Irvine Road, but this was refused as it did not incorporate the western boundary wall.

CONSULTATIONS

Conservation Officer

Engineering Services Manager

Engineers (structural)

Consultations responses received:

Engineers:-

Boundary wall design required to provide adequacy under wind loads for increased height. Existing wall foundation to be exposed and assessed for adequacy to support additional load.

Conservation Officer:-

The application affects an attractive property which is located in a prominent part of the conservation area and the street. As such it can be identified as a heritage asset for the purposes of planning policy.

The boundary treatment/walling along this stretch of road is particularly important as it formed the rear boundary for all of the properties, and therefore becomes the focus of attention.

Neighbouring walling is of various heights and appearance, but it looks as if it was one design, historically. It is acknowledged that the walling both for 11 and 13 Irvine Road is of a different style and does not need to reflect the neighbouring ones. However, the walling is attractive, being constructed from brick and flint, and makes a positive contribution to the street-scene and the Conservation Area.

This therefore raises the question of whether the walling can and should be raised. Has the existing wall got the potential to be raised without additional works being undertaken, i.e. demolition and rebuild?

It is considered that raising the wall will affect its appearance and make it more prominent as part of the street-scene. It is noted that the new section of walling appears to terminate abruptly. Any works would have to be undertaken in conjunction with the neighbouring property (number 11) to ensure continuity. It is assumed that this would then encompass the entire boundary of the neighbouring property.

Any works should reflect the general/average height of the remainder of the walling along that entire stretch. The new section of walling would be constructed to a height where it would also be much taller than the neighbour and the relationship with the existing decorative pier would be

lost.

The re-use of the existing materials is supported. Further, it is considered that the quality of the works would have to be of exceptional quality so as to not harm the existing wall.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Designated Conservation area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[AREA2](#)

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

The Form of New Development
Conservation Areas

HER DM3 Conservation Areas
H SP1 Strategic housing, parish and town
council allocations

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 considered relevant to this application within the Littlehampton Neighbourhood Plan and as such the proposal is deemed to be in conformity.

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, and it would preserve the character of the Conservation 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 is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. This property is located within the Littlehampton (Sea Front) Conservation Area and as such the main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and AREA2. GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area - AREA2 seeks to preserve or enhance the Conservation Area.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the increase in height of the existing front boundary wall from 0.95 metres to 1.8 metres adjacent to Irvine Road. It should be noted that an application to extend the wall to the rear of 11 Irvine road was submitted under planning reference LU/285/14/HH but was refused as it did not include the increase in height of the side boundary wall on the more expansive side elevation of the property fronting Granville Road or adequate structural calculations.

Following refusal of the application for the increase in height of the wall to the rear of 11 Irvine Road, it would be inappropriate within the Littlehampton seafront conservation area to consider the proposed works to the wall to the rear of 13 Irvine Road in isolation. The wall to the rear of both 11 and 13 Irvine Road forms a single structure in terms of height, design, style and appearance. Therefore, the alteration of only one section would have an adverse impact upon the appearance of the wall and cause unacceptable harm to the character of the conservation area.

As such, it is recommended that a joint application is submitted for both 11 and 13 Irvine Road which takes into account the reasons for refusal of both applications and enhances the design to ensure a positive contribution to the character of the conservation area.

It is also noted that the application is not accompanied by structural calculations for the increased height of the wall. Therefore, this information should be provided to confirm that the wall would be structurally sound under wind loads given its increase height.

As such, it has been determined that the proposal would not preserve or enhance the character of the conservation area and would be in conflict with policies GEN7 or AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The boundary wall (to which this application relates) is located adjacent to Irvine Road. Given the location of the proposed works, the increase in height of the wall would not cause any harm to the residential amenity of neighbours.

Therefore, it is recommended that this application is refused as the proposal is deemed to be in conflict with policies GEN7 and AREA2 of the Arun Local Plan.

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 and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposed increase in height of the existing front boundary wall fronting Irvine Road will have an unacceptable prejudicial impact on the character and appearance of the area and will not preserve or enhance the character and appearance of the Conservation Area

in conflict with policies GEN7 and AREA2 of the Arun District Local Plan.

- 2 Based on the submitted information the Local Planning Authority is not satisfied that the structural integrity of the wall is adequate and the proposal therefore conflicts with policy GEN7 of Arun District Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.