

Recommendation Report for Planning Permission

REF NO: LU/313/14/PL

LOCATION: 11 St. Winefrides Road
Littlehampton

PROPOSAL: Demolition of existing dwelling & erection of 4 No. 3 bed detached dwellings with single detached garages

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal includes demolition of the existing 4 bedroom dwelling and the erection of 4 no. detached 2 storey dwellings. Each dwelling has a garage located to the north side behind its rear elevation.

SITE AREA

0.23 hectares

RESIDENTIAL DEVELOPMENT DENSITY

17 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m close boarded fencing to site frontage. Hedging to rear to approx. 3m. Fencing/hedging to side boundaries to approx. 2m high.

SITE CHARACTERISTICS

Detached 2 storey dwelling with a large side garden. Brick elevations and brown tile roof. Garage with room above is joined to the existing dwelling and set back from the front elevation of the dwelling

CHARACTER OF LOCALITY

Predominantly residential characterised by large detached 2 storey properties of varying design set back a similar distance from the site frontage. Most straddle the site with gaps to one or both boundaries. Some properties are mock tudor in design.

RELEVANT SITE HISTORY

LU/119/64

Car port

Approve

08-06-1964

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - The proposals are not in keeping with the location and are considered an over development of the site.

One letter of support from Local Ward Member - The plans provide for 4 attractive family homes, totally in keeping with the street scene. The massing is not out of scale with that surrounding, and the plot width and sizes equate very well with those surrounding, and are larger than numbers 3 and 5 St Winefride's Road. The frontal elevations show different treatment (hipped, tile hung, flints) for the units, and the roof heights are similar to those surrounding. In addition there is a garage and ample off-road parking for several cars for each house.

It is understood that neighbours have been consulted, and that there are no objections. The application provides much needed family accommodation in the town. If the application is turned down, it is highly likely that there will be a planning application for yet another block of retirement flats, which is not needed, and would totally alter the character of this pleasant residential road, and be much resisted by local residents and neighbours.

Comments on Representations received:

Town Council comments are agreed.

Comment on Local Ward Member Representation - It is not agreed that the proposal is in keeping with the street scene. The plot widths are appreciably narrower and the ridge heights are greater. The design is repetitive and out of keeping. The application as submitted is all that can be considered. What may be submitted as an alternative is speculative and not material to the consideration of the application.

CONSULTATIONS

Economic Regeneration

Engineers (Fluvial Flooding)

Engineers (structural)

WSCC Strategic Planning

Conservation Officer

Consultations responses received:

Engineers - No Objection. Conditions requested

County Highways - No Objection. The site is sustainably located and no concern would be raised to the level of vehicular activity generated by the development. Request conditions are imposed relating to access, car parking space, cycle parking, pedestrian visibility and visibility and an informative relating to site access works on the public highway.

Conservation Officer - The property is located within the Maltravers drive, St. Winefrides road (part), Fitzalan road (part), Littlehampton area of special character. An Area of Special Character is defined as 'areas within the Arun District which are considered to be of distinctive character or quality and, therefore worthy of protection through rigorous control of new development, yet do not quite comply with the criteria for designation as Conservation Areas. The existing property has been identified as one that contributes towards the Area of Special Character.

Whilst not identified as part of the Districts statutory heritage, Areas of Special Character are identified a part of the Districts rich and varied heritage. As such, they can be considered to be a Heritage asset for planning purposes. The NPPF defines heritage assets as:

'A building, monument, site, place, area or landscape identified as having a degree of

significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)'.
The area is characterised by larger detached properties set with large mature gardens.

The Areas of Special Character SPD describes the areas as: 'St. Winefrides Road contrasts with the

individual design of properties in Maltravers Drive, as nos. 32 - 44 have a consistent appearance.

However, individual design occurs once more with nos. 17 through to 1 and nos. 19 and 21 Selborne Road. St Winefrides Road is well landscaped and with boundary hedging an important feature. The properties enjoy views over the Pleasure Grounds'.

The existing property is screened from the pavement and carriageway by fencing and mature vegetation. It is considered that, whilst the fencing is of no benefit, the vegetation helps to soften and green the area.

The application therefore offers the opportunity to enhance this part of the street-scene.

The proposal is for the demolition of an existing property and the construction of 4 very similar detached ones. It is acknowledged that the loss of the exiting property would not harm the character or appearance of the area.

However, there are concerns with the proposed replacement structures, when viewed in context the new properties are smaller than those that surround them. This is especially true when compared to those properties opposite.

It is noted that the properties along this side of the road vary in design and appearance. However, the proposed properties themselves are essentially all the same, with slight variations. The choice of materials is also questioned; there does not appear to be any flint in the locality. Instead there appears to be a mixture of render, brick, tile and 'Mock-Tudor'.

The existing landscaping plays an important role in the street-scene, and its loss would be unfortunate. The proposal to reintroduce replacement landscaping is supported, but would have to be so that its impact would be noticed early in the life of the development (that is to say it should be suitably mature). The provision of landscaping could be dealt with by way of condition. It is also suggested that materials are conditioned.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[AREA1](#)

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

The Form of New Development
Areas of Special Character

D DM1 Aspects of Form and Design
Quality

D DM2 Internal Space Standards

D DM3 External Space Standards

D SP1 Design

HER DM4 Areas of Special Character

HER SP1 The Historic Environment

PLANNING POLICY 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

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 have a materially adverse effect on the visual amenities of the locality and 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

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 relevant policies of the Arun District Local Plan mainly GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

IMPACT ON CHARACTER AND APPEARANCE

The proposal relates to the provision of 4 no. 2 storey dwellings of identical footprint and very similar design. The existing substantial dwelling would be demolished. The existing property has a large side garden and does not conform to the general pattern of development in the locality. Development within the garden would be acceptable in principle, but the number of units, their orientation and similar design would result in development that is out of keeping in the street scene. The plot widths adjoining the site are 13m to no 13 and 13.5m to no 7. The proposed plot widths are 10m which is appreciably narrower. As a result the dwellings have been orientated so that they have relatively narrow front elevations and higher ridge heights than the dwellings immediately adjoining the site. The area is defined as an Area of Special Character which is derived from the wide frontaged properties which include generally good quality design many incorporating mock tudor features. The description of the Area of Special Character refers to a general consistency in plot widths and the narrower widths proposed would not make a special contribution to the characteristics of the area as required by policy AREA1 of Arun District Local Plan. The design and appearance of the dwellings is considered to be unacceptable and to result in a cramped form of development which is out of keeping with the prevailing character.

The Emerging Local Plan contains policies relating to internal and external space standards. Each house is practically identical, though the garden areas vary. The room sizes comply with policy DDM2 of the Emerging Plan. The garden areas and length meet the standards in policy DDM3.

RESIDENTIAL AMENITY

The proposed dwellings would have secondary windows at first floor windows on their side elevations which would not result in adverse overlooking to adjoining properties or gardens. The distance between the dwellings and the rear elevation is adequate to preclude any overlooking between the rear elevation of the existing properties and the flats to the rear.

The dwellings would be located in a similar position as the dwellings to both sides. These properties do not have primary windows in their side elevations and are approximately 1m from the side boundary. Close boarded fencing (2m and 1.8m high) is located along the side boundaries and the closest proposed dwelling is located 2m from the boundary. This distance is considered satisfactory to ensure no adverse overbearing effects result.

The proposal accords with the external and internal space standards in the Emerging Local Plan.

HIGHWAY SAFETY AND CAR PARKING

The proposal is acceptable in terms of highway matters. Off road parking is incorporated in the development in the form of a garage to each dwelling with tandem parking available in front. County Highways have no objection.

CONCLUSION

The application is therefore recommended for refusal for the following reason.

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 (the right to respect for private and family life), 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 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).

SECTION 106 DETAILS

The application would have been subject to a signed affordable housing agreement relating to a commuted sum totalling £5,628 however it must be determined by reference to current policy as of the date of decision.

The Affordable Housing Policy was superceded by paras 13-21 NPPG which now governs the matter.

So the planning obligation is no longer a material planning consideration and contributions would not be sought.

RECOMMENDATION

REFUSE

- 1 The site by virtue of its size is considered unsuitable to accommodate the proposed number of dwellings without harming the character of this established residential area which is defined as an Area of Special Character. The proposal by reason of its layout would result in uncharacteristic front to rear rather than side to side plot orientations at odds and harmful to the streetscene appearing as a cramped form of development which would be detrimental to the character and visual amenities of the locality contrary to policies GEN7 and AREA1 of the Arun District Local Plan and the NPPF.
- 2 **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 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.