

Recommendation Report for Planning Permission

REF NO: LU/337/13/

LOCATION: 2 Queen Street
Littlehampton

PROPOSAL: Extensions and alterations to existing store to form one bedroom flat (modification to Flat 2 of scheme approved under LU/181/08.)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to modifications to an earlier approval LU/181/08 for conversion and extension to form 2 flats. The application relates to an increase in size of the 2 storey extension to the south by 3.8m by 1.8m and a 2 storey extension to the rear measuring 7.7m high to ridge and 3.5m by 3.6m. A parking space is also provided in the garden area. The previous approval related to the creation of 2 one bedroom flats and this application relates to one 2 bedroom flat in addition to a one bedroom flat in the front ground floor portion of the premises where the shop is currently located. The shop/office building was approved under the previous application.
SITE AREA	0.023 hectares approximately
RESIDENTIAL DEVELOPMENT DENSITY	86 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None to site frontage
SITE CHARACTERISTICS	Two-and-a-half storey terraced building, which consists of red brick walls and a red tiled roof. Ground floor is used as a retail unit ('gas appliance sales'), with a self-contained flat at 1st floor level. Corner site.
CHARACTER OF LOCALITY	Mixed retail/residential area. Residential properties are generally two storey terraced dwellings. Some flats within the surrounding area.

RELEVANT SITE HISTORY

LU/181/08/	Conversion & change of use of existing shop & storage facilities to form 2 no. 1 bedroom flats, incorporating 2 no. small extensions. Conversion & change of use of existing garage to form new shop, & alterations to existing boundary wall.	ApproveConditionally 03-09-2008
LU/293/70	Change of use from shop to private dwelling	ApproveConditionally 02-10-1970
LU/170/74	Change of use existing shop yard & garages for firms order offices	ApproveConditionally 01-07-1974

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - Overbearing development would have had an adverse impact on residential and visual amenities of neighbouring properties.

Comments on Representations received:

Adverse impact of 2 storey extension on residential amenity is agreed

CONSULTATIONS

Environmental Health

Consultations responses received:

- None

Comments on Consultation responses:

- None

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM4 Extensions & Alterations to Existing Buildings D SP1 Design D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM3 External Space Standards
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PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following publication of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- c) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 and character of the locality and the residential amenities of the adjoining properties.

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 proposal involves changes to a previous approval LU/181/08 for conversion and extension of the existing retail unit and storage facilities to form 2 No. one bedroom flats, conversion of the adjoining garage/store to a retail unit and alterations to existing boundary wall. This application adds a first floor bedroom to the rear flat facilitated by an extension at first floor to the rear and a ground and first floor extension to the side of the premises adjacent to the approved extension. The proposal also provides a car parking space within the garden area.

Government guidance encourages the promotion of sustainable development and the better use of previously developed land, with the focus for additional housing being placed upon existing towns and cities. Further, the use of the private car is discouraged, with the use of public transport being desirable. It is therefore considered that the siting of the proposed flats, within relatively close proximity of Littlehampton Town Centre, close to bus routes and the train station would be acceptable and would represent sustainable development. Due to the central location of the site, it is therefore considered that a lack of parking would be acceptable. It is noted that 2 no. cycle spaces are proposed per flat, as part of the development and this could be ensured through the use of a condition. The additional parking area is therefore desirable, but not essential.

The application site lies within the built-up area boundary for Littlehampton as defined in the Arun District Local Plan, where the principle of development is accepted subject to normal development control criteria being met. The site also lies within a mixed retail/residential area, relatively close to Littlehampton Town Centre. The application site is positioned on a corner plot, bordered by Connaught Road to the south and Queen Street to the east.

Surrounding buildings are generally two storey terraced properties; however there are flats within the vicinity, most notably No's 1 and 3 Queen Street; and No's 1 and 3 Connaught Road. Given the mixed character of the surrounding area, it is therefore considered that 2 No. flats on the application site is acceptable in principle.

However, the proposal would also involve the addition of a 2 storey extension to the west and south of the main building. It is considered that the extensions would be excessive in terms of site coverage and would leave little space for amenity areas to serve both properties. One flat currently exists at first floor with no outside amenity area and part of the rear garden includes the replacement shop/office/store which has reduced the available amenity space. The alterations which include an amended layout and provision of an off street car parking space would further erode the available outside space and result in a cramped form of development. The 2 storey extension would be of an unacceptable footprint. The limited amenity area and extent of development would result in development that appears cramped and is out of character with the surrounding area. The Emerging Plan policy DMM2 sets out minimum room size requirements and the proposed sitting/dining/kitchen falls short of the combined floor area of 23 square metres referred to in this policy.

The eaves height of the extension would be 5.5m and this combined with the limited distance to the boundary of 2m and the rearward projection of 3.7m results in development that is inappropriately sited which would adversely affect the residential amenities of the adjoining

property by causing adverse overbearing effects on the adjoining property to the north and its rear garden.

Although the proposal would involve the loss of a 1 no. retail unit, which would normally be contrary to Policy DEV30 of the Arun District Local Plan, this retail unit would be relocated within an existing garage/store, to the west side of the application site and this has previously been approved.

It is therefore concluded that the proposal would represent an unacceptable form of development, which would conflict with the established character of the surrounding area and be unneighbourly.

It is therefore recommended that the application be refused for the following reasons.

HUMAN RIGHTS ACT

FOR REFUSAL

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 the following no negative 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

A planning obligation relating to affordable housing is in the process of being drawn up.

RECOMMENDATION

REFUSE

- 1 Having regard to the height of the extension, the limited area of the site and its relationship to existing residential properties the proposal would give rise to an

unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policy GEN7 of the Arun District Local Plan, policy DMM4 of the Emerging Publication Version of the Local Plan and the NPPF.

- 2 The proposal would constitute a cramped form of development which by virtue of its siting, plot size, internal room sizes and garden size would be out of character in the area and detrimental to the visual amenities of the area. The development would therefore be contrary to policy GEN7 of the Arun District Local Plan, policies DMM2 & DMM3 of the Emerging Publication Version of the Local Plan and the NPPF.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy adopted on 18 August 2010