

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

REF NO: LU/351/17/HH

LOCATION: 13 Sussex Street
Littlehampton
BN17 6JD

PROPOSAL: Demolition of single storey rear extension & erection of two storey rear extension (resubmission following LU/223/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This is a revised application following LU/223/17/HH, see Comments on Planning history Section of this report.

It is proposed to erect a ground and part first floor extension to the rear of this dwelling. The ground floor element would be across the whole of the rear of the dwelling and would be 3.5m deep x 1.55m wide adjoining no.15 and 5.5m deep x 2.6m wide adjoining no.11. At first floor there would be an extension of 3.5m in depth x 2.7m in width adjoining no.11.

There would be a flat roof of 2.8m to the rear and side single storey elements. The two-storey element would have a flat roof and be 5.4m high. No side windows are proposed, except for a side bathroom window at ground floor. To the rear there would be a door and high level window at ground floor and a larger bedroom window at first floor. At ground floor there would be a roof light in in the side single storey element.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Side boundaries are no more than 1.2m in height. Adjoining no.15 this is a blockwork wall and adjoining no.11 is a panel fence.

SITE CHARACTERISTICS Two storey terraced residential property rendered beneath a tile roof. The property has a rear extension and small conservatory.

There is access to the rear garden by means of an access adjacent No.15 and by means of a rear right of way.

No.11 has a single storey rear extension adjoining the existing rear extension to the application dwelling. This presently extends approximately 0.5m beyond the extension to no.13. The other adjoining dwelling, no.11, has a single storey extension across the rear which is of similar depth to the existing rear conservatory at no.13, although is some 0.5m

deeper than the conservatory.

CHARACTER OF LOCALITY

Residential comprising a terrace of similar properties. The adjoining properties have a rear extensions. there are 2 dwellings nearby in the terrace which have two-storey flat roofed extensions of limited size across part of the rear, at no.9 and no.17.

RELEVANT SITE HISTORY

LU/223/17/HH	Demolition of single storey rear extension & erection of two storey rear extension.	Withdrawn 14-09-17
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The proposal in this current application follows LU/223/17/HH which was withdrawn. This previous application was recommended for refusal. This was because the previous proposal was for a 5.5m deep two storey element to the rear extension. It was considered that this would have an unduly dominant impact on the amenity enjoyed by the occupiers of No.11 due to loss of outlook and an unacceptable sense of enclosure. Also to be harmful to the character and appearance of the host property.

Whilst the application was withdrawn and the decision was not issued, it is worth noting that refusal reasons would have been as follows:

It is considered that due to the depth, of the first floor rear extension, that the proposed development would be unduly dominant upon and fail to be subordinate to the host property, it is therefore, harmful to the character and appearance of the host property. As such the proposal is contrary to policies GEN7 and DEV119 of the Arun Local Plan 2013 and policy 1 of the adopted Littlehampton Neighbourhood Plan.

Given the depth and height of the proposed two storey rear extensions it is considered that the proposed development will be unduly dominant upon and create an unacceptable sense of enclosure to the occupiers of No.11 Sussex Street. Therefore, the proposal would constitute an unneighbourly form of development. As such the proposal is contrary to policies GEN7 and DEV119 of the Arun Local Plan 2013 and policy 1 of the adopted Littlehampton Neighbourhood Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Littlehampton Town Council raises no objection.

No representations have been received from surrounding occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

No consultees.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

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

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
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Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
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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.

Littlehampton had a Made Neighbourhood Plan and Policy 1 & 2 are relevant and the proposal is in accord with this policy.

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

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 the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

The rear extension has a subservient appearance and is not intrusive visually. It is also sympathetically designed. Overall the development is therefore considered to preserve the character and appearance of

the dwelling and not to result in harm to visual amenity. It is therefore considered to be in accord with policies. It should be noted that there are 2 similar two-storey flat roofed extensions nearby in this terrace.

RESIDENTIAL AMENITY

The development to the rear of the dwelling does result in a minor encroachment into the 45 degree outlook from main first floor rear windows, but this encroachment is 0.55m in the case of no.11 and 0.95m in the case of no.15 out of a total two-storey depth of 3.5m. Therefore, whilst there would be a limited impact, on light this would not result in a significant level of harm such that refusal would be justified.

In terms of overlooking, only a ground floor side window is proposed and this can be conditioned to be non-opening and obscure glazed. A condition can also be imposed preventing the introduction of further side windows. On this basis there would not be harm to amenity as a result of overlooking/privacy loss.

Existing ground floor development adjoining is such that the ground floor elements of the proposal would not result in amenity loss. The location of the proposed first floor is set away from the boundary with no.15 and the proposed depth is such that it will not be unduly dominant. The existing single storey extension to no.11 means that the proposed extension will also not be unduly dominant to no.11.

PARKING

Whilst an increase from 2 to 3 bedrooms is proposed and the site has no off-street parking in an area with fairly significant on-street parking demand, there is no increase in provision required for dwellings of up to 3 bedrooms. In addition, the site is located in a very sustainable area with ready access to public transport and services. There are therefore considered to be no grounds to object to the proposal in parking.

CONCLUSIONS

The proposed development is in accord with the Development Plan and acceptable in terms policy and material considerations.

It is therefore recommended that planning permission be granted subject to 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 drawings:

Drawing Number 16289/01R3 - Existing Plans, Elevations & Roof Plan - Dated 07.12.2017

Drawing Number 16289/01aR2 - Block Plan - Dated 21.09.2017

Drawing Number 16289/02R3 - Proposed Plans, Elevations & Roof Plan - Dated 07.12.2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The ground floor bathroom window in the south side elevation of the development hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the north and south side walls at ground or first floor level of the development hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The materials and finishes of the external walls of the development hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local

Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.