

Recommendation Report for Planning Permission

REF NO: LU/355/13/

LOCATION: Chauffeur Taxis Ltd
135A Wick Street
Wick Littlehampton

PROPOSAL: Build additional storey to create a two bedroom flat, on top existing single storey building. Thereby creating additional dwelling on the site with access via external staircase to rear. Slight amendment to previously approved ground floor flat - Resubmission of LU/185/13

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves extending above the existing single-storey flat roof extension to provide an additional floor that will incorporate a two-bedroom residential flat, accessed via an external staircase positioned to the rear. The proposed extension will measure the width and depth of the existing building and will reach a height of approximately 7.3 metres to the roof ridge line.
SITE AREA	Approximately 62 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 323 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The northern elevation of the building faces directly onto the pavement. Southern end western boundaries are marked by approximately 2 metre high screening consisting of wooden fence panel mounted on a brick plinth wall and between brick pillars. The northern boundary is currently unmarked.
SITE CHARACTERISTICS	The site is occupied by a single-storey flat roof building attached to a 2? storey building containing residential flats. The building has red brick elevations and is currently in use as an office for a taxi firm. Permission has recently been granted, subject to conditions, for the office to be converted to a residential flat under LU/37/13.
CHARACTER OF LOCALITY	The site is adjoined by a variety of buildings, the majority of which house retail or commercial use at ground floor level with residential flats above. A number of retail units have been converted to residential flats and there are also separate residential dwellings nearby. Courtwick Road, which extends to the west is a residential road lined by

bungalow dwellings.

RELEVANT SITE HISTORY

LU/185/13/	Build additional storey to create 1 No two bedroom flat atop existing single storey building	Withdrawn 01-11-2013
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REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection: The development is overbearing in relation to the site and will have an adverse impact upon the visual amenities of neighbour's. Insufficient consideration has been given to waste water drainage in view of the change from business to residential. There is a lack of parking provision and there are significant issues with parking in the immediate vicinity.

Comments on Representations received:

Noted. Details of waste water disposal will be assessed at the building regulations stage. The cessation of the taxi operating business at the site is likely to reduce the amount of vehicular use and free up parking spaces within the immediate vicinity of the development. County Highways concur with this view and raise no objection.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

Consultations responses received:

COUNTY HIGHWAYS:

In consideration of the former use of the site, and the apparent uses currently within the site, the current application would appear to present a use that would not result in any significant intensification of use. On that basis there would be no concerns recorded from the highway point of view.

COUNCIL'S HMO OFFICER:

If for the private rented sector, the flat is not acceptable for occupancy by minimum of 3 people (1 x dbl bedroom and 1x single bedroom) or by 2 single persons due to inadequate bedroom sizes. This does not apply to owner occupation.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built-Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN12](#)

Parking in New Development

[GEN2](#)
[GEN7](#)

Built-up Area Boundary
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 DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
D DM4 Extensions & Alterations to Existing Buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6

Interim Affordable Housing Policy

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:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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);
- 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

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 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 Arun District Local Plan policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN & SCALE:

The proposed extension would alter the appearance of the existing flat roof building by adding a further storey with a pitched roof above. The site is prominently located on the corner between Wick Street and Courtwick Road.

It is considered that the current flat roof building does not integrate well within its surroundings and that this change would improve the visual association of the building within the street scene due to the design appearing more in keeping with surrounding two storey buildings, including the building to which the property is attached. It is noted that the two storey wall will run directly alongside the pavement on the northern side of Courtwick Road. This close relationship is considered acceptable and in-keeping with its surroundings given that the two storey property on the opposite side of Courtwick Road also reaches within close proximity of it. It is therefore considered that the proposal will not result in any unacceptable adverse impact upon the character and appearance of the surrounding area.

It is considered that the extension will also relate sympathetically with the adjoining building, No. 135 Wick Street. It will be stepped down in height ensuring that it does not appear overly dominant and forms a natural continuation of the existing parade of two storey buildings.

However, the proposed external spiral staircase on the rear (west) elevation is considered to be unacceptable in its design and use of materials. The staircase will be made from perforated steel in a wrap design which will be an alien and incongruous addition to the property. Even though it is situated to the rear, the nature of the corner plot and the necessary height of the external staircase at approximately 1.8m will mean that it is prominent in Courtwick Road. The external staircase will therefore have an unsympathetic appearance in relation to the property when viewed from this road. To screen the staircase in order to restrict overlooking is well intentioned but its design and steel construction would be in stark and harmful contrast with the rendered elevations of the property and those surrounding it.

The proposal is therefore considered to conflict with relevant policies GEN7(ii) and DEV19(i) of the Arun District Local Plan.

INTERNAL SPACE STANDARDS:

The internal layout does not accord with the Internal Space Standards set out in Policy D DM2 of the Emerging Local Plan for all proposed room sizes. The applicant has submitted a subsequent plan where only one bedroom is proposed but the kitchen/lounge still falls short of the combined kitchen/living/dining requirement by 6.4 square metres. This subsequent plan has therefore not been accepted and means that the scheme cannot be successfully accommodated on the site without conflicting with internal space standards.

PARKING:

West Sussex County Council's Parking Demand Matrix has been utilised to ascertain projected parking demand for the development. The proposed flat is determined to generate a maximum demand of one parking space for residents, with no requirement for a space for visitors. There are no allocated parking spaces attached to the proposed development. However, given the central location of the proposed flat, close to public transport links, a wide array of shops and other amenities, it is considered that the proposed flat is within a sustainable location and car ownership would not be essential for occupants. In addition, the cessation of the use of the ground floor as a taxi office is likely to have freed up parking capacity that may have been used by staff.

IMPACT UPON NEIGHBOURS:

It is noted that the neighbouring property to the west of the site, No. 2b Courtwick Road is a chalet style dwelling. However, an adequate degree of separation will be maintained towards this property and the extended building, which will be of similar height to other buildings close to the chalet dwelling and, as such will not appear overbearing. Whilst the increase in height will create additional shading, this will be offset by the distance between the two properties and will not affect the main amenity space at the neighbouring property, which is to the west of the dwelling. Any additional shading of the site would be confined to early morning hours given the position of the extension to the east of the dwelling. It should be noted that there are no principal windows on the western elevation of 2b Courtwick Road and that 45 degree sight lines taken from windows on the front of the dwelling would not be obstructed by the proposed extension.

Concerns were raised within the previously submitted scheme under reference LU/185/13 that users of the exposed external staircase and first floor windows on the western elevation of the property may have access to intrusive views towards 2b Courtwick Road. The previous application was subsequently withdrawn and the applicant has sought to address these concerns by screening the staircase. This achieves the desirable effect of restricting views to neighbouring properties to acceptable levels.

AFFORDABLE HOUSING:

The proposal involves a net increase in residential units, by way of the creation of a new flat and, as such, is subject to the Council's interim affordable planning policy. This policy requires a commuted sum to be paid towards affordable housing provision. The applicant has signed a section 106 agreement to make the required payment upon commencement of the development, if approved.

SUMMARY:

Whilst the design and appearance of the extension is considered acceptable, it is the rear external staircase that will cause harm to the property. Due to the corner location of the property and necessary height of the external staircase to reach first floor level, it have an unacceptable adverse impact on the visual amenities of the area. With the scheme also failing to meet the Internal Space Standards of the Emerging Local Plan, the proposal is recommended to be refused for the following reasons.

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 for 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, it has been determined that its approval would result in a neutral impact 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).

As such, there are no requirements for specific mitigation measures to be implemented.

RECOMMENDATION

REFUSE

- 1 The external staircase by virtue of its design, height and use of materials will be unsympathetic and incongruous to the property and causes harm to the visual amenities of the surrounding area in conflict with policy GEN7 of the Arun District Local Plan.
- 2 Having regard to the size of the rooms, the extension would give rise to an unsatisfactory environment for the occupiers in conflict with policy GEN7 of the Arun District Local plan and policy DDM2 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the National Planning Policy Framework.
- 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 reasons 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.