

16/1 8B.

LU/365/14/PL

Recommendation Report for Planning Permission

REF NO: LU/365/14/PL

LOCATION: 18 Norfolk Road
Littlehampton

PROPOSAL: First floor rear extension to create 1 No 1 bedroom first floor flat & new entrance porch (resubmission following LU/226/13/). This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to a first floor extension to the rear to create a one bedroom flat. The extension would project 5m to the rear and have a width of 4.8m. It would extend 1.1m from the side of the property to the north elevation from the side of the property at first floor. The eaves height would be 4.7m high to the north side and the ridge would be 7m high. The entrance porch on the side elevation would be increased in size.

SITE AREA

345 sq m

RESIDENTIAL DEVELOPMENT DENSITY (NET)

115 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Flint walling to approx. 1.4m on side boundaries. Parking to rear open to road

SITE CHARACTERISTICS

Semi detached 3 storey dwelling with painted rendered elevations converted into flats. Car parking and garaging to rear. Existing single storey extension to rear and enclosed garden area containing sheds.

CHARACTER OF LOCALITY

Predominantly residential characterised mainly by converted residential dwellings.

RELEVANT SITE HISTORY

LU/150/01/

Single storey rear/side extension

ApproveConditionally
25-07-2001

LU/226/13/

2 storey rear extension to enlarge ground

Refused

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	floor flat & create 1 No first floor flat with new enclosed porch	06-05-2014
LU/226/59	Conversion into 3 s/c flats	Approve 11-12-1959
LU/181/61	Block of 3 garages	ApproveConditionally 13-09-1961

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - Development of the site is overbearing in relation to its appearance compared with existing development in the vicinity. Would adversely affect highway safety as it lacks parking provision for the new dwelling. Would set a precedent.

One letter of objection - Proposed development will restrict light entering kitchen, dining area and rear reception room which is used as a study. There is already an issue with overshadowing in the summer months which will worsen if the extension is built. Loss of privacy. Rear window will cause overlooking. Will be out of keeping with the other existing properties in Norfolk Road and could cause an unwelcome precedent. Overbearing. Will not protect and enhance the appearance of the Conservation Area. There are not 7 parking spaces including the garages. There are 3 garages. The rest of the parking area is used by residents for parking. If used the spaces would impede access and result in additional noise and pollution. Parking at the front of properties is already an issue.

Comments on Representations received:

Overbearing concerns are agreed. No additional car parking provision is made and the proposal would not meet the maximum parking requirements. However on street car parking is available in the locality and the site is sustainably located. It is not considered that adverse overlooking would result to adjoining properties from the rear window since the overlooking would be oblique, not direct.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee - No Objection

Comments on Consultation responses:

- comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary
Within Conservation Area
Building or Structure of Character
No public sewer

DEVELOPMENT PLAN POLICIES

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Arun District Local Plan 2003:

GEN7
GEN22
DEV19
AREA2

The Form of New Development
Buildings or Structures of Character
Extensions to existing residential buildings
Conservation Areas

Publication Version of the Local
Plan (October 2014):

HER DM2 Locally Listed Buildings or
Structures of Character
HER DM3 Conservation Areas
HER SP1 The Historic Environment
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

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 its

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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 residential amenities of the adjoining property, 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

This proposal follows an earlier refused application LU/226/13 for a 2 storey rear extension to create a first floor flat which was refused because of its adverse impact on the special character of the building and the Conservation Area and loss of garden area and impact on residential amenity of existing and adjoining properties. This proposal has reduced the depth of the extension by 2.8m but has extended the depth of the extension adjacent to the boundary with no.20 by 2.8m. It has also increased the gap to this boundary by 0.7m.

The existing building has been extended at ground floor but still currently conforms with the general pattern of development in the locality. All the properties in this part of Norfolk Road have a lower third storey projection behind the front elevation which extend an identical distance to the rear. The proposed first floor extension would protrude beyond this current rear limit and would appear as a prominent and discordant extension that is out of keeping with the general pattern of development on the locality. The property is readily visible from the south across the parking area behind no. 16 and the extension would not preserve or enhance the appearance of the Conservation Area and would detract from the balanced pattern of roof lines in conflict with policies GEN7 and AREA2 of Arun District Local Plan. In addition, the extension would be prominent in relation to the building as a whole and would not be sympathetic in terms of its form and scale it would therefore be contrary to policies DEV19 and GEN22 of the Arun District Local Plan.

The first floor extension would be located above a ground floor extension and would include an extension on the north side at first floor. The adjacent dwelling is occupied as a single dwelling house and has windows on its south and rear elevation which would lose light. The height of the extension would also result in adverse overbearing effects on the garden area and ground floor

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accommodation of the adjacent property. It would therefore be overbearing on the adjoining property in conflict with policies GEN7 and DEV19 of Arun District Local Plan.

The property is currently divided into flats and the extension would increase the total number by one unit. No garden area or outside amenity area is indicated to serve the proposed flat. A garden area and car parking currently serve existing units in the property and no additional provision is made contrary to policy DDM3 of the Emerging Local Plan. In addition, the room sizes would not accord with policy DDM2. The overall internal space requirement for a one bedroom flat is 37sq m and the proposal has a floor area of slightly less than 33 sqm. The kitchen, bathroom and living room are below standard.

The application is therefore recommended for refusal for the following reasons

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).

RECOMMENDATION

~~APPROVE CONDITIONALLY~~ **REFUSE** .

- 1 The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the building is defined as a Building of Special Character on the Local List and the proposal by reason of its width, depth, design and height would conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas and the appearance of the existing building and with policies GEN7, GEN22 and AREA2 of the Arun District Local Plan and policies DSP1, DDM1 and HERDM3 of the

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Emerging Local Plan.

- 2 The proposed residential accommodation would not meet the adopted internal and external space standards of the emerging local plan. It would therefore be detrimental to the residential amenities of the existing property and the future occupiers in conflict with policy GEN7 of the Arun District Local Plan and policies DDM2 and DDM3 of the Emerging Local Plan.
- 3 By reason of its height and proximity to the boundary the proposal would result in an unneighbourly form of development which would be detrimental to the residential amenities of the adjoining property to the north, contrary to policies GEN7 and DEV19 of the Arun District Local Plan and policies EDDM4 of the Emerging Local Plan.
- 4 **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.