

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

REF NO: LU/421/17/HH

LOCATION: 16 Maxwell Road
Littlehampton
BN17 7BN

PROPOSAL: Retention of covered lean-to on rear elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed lean to is 3m deep, 4.3m wide and approximately 2.75m high. It is an open timber structure with a polycarbonate roof.
	The lean to structure is built and the application is therefore retrospective.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the property has part wall, part timber fence approximately 1.8m.
SITE CHARACTERISTICS	The application site comprises a two storey terrace house. The property has an original two storey rear outrigger forming an L shaped property. There is also a small rear lean to extension in the set back part of the rear elevation. The property has a modest narrow rear garden.
CHARACTER OF LOCALITY	Residential comprising similar size and style of properties.

RELEVANT SITE HISTORY

No relevant planning history

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council has no objection

No response to public consultation.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

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 \(October 2014\):](#)

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

[Rustington Neighbourhood Plan 2014 Policy 1](#) The Rustington Convalescent Home (Carpenters),
Sea Road

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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. A consultation on the proposed modifications ended in mid February 2018.

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.

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).

The relevant policies in the Littlehampton Neighbourhood Plan have been taken into account.

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 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

The application site is situated within the built up area and within established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed structure would be sited to the rear of the property and would not be visible from the road. The proposed structure is L shaped and reruns along the side elevation to meet the existing lean to extension. The applicant appears to suggest that the structure is Permitted Development. However this is an application for planning permission and it is therefore incumbent on the Planning Authority to consider the planning merits of the case.

It is considered that the proposed structure will appear as subordinate addition to the main house and retains an adequate amount of rear garden. However, the structure is not considered to be visually integrated to the main property.; However, it is not considered to be sufficiently harmful to the character and appearance of the host property to merit refusal on this ground.

The existing addition is built up to the boundary with the adjoining properties. Given the design and depth of the rear outrigger it is not considered that the proposed development would be unacceptably harmful to the residential amenity of the adjoining occupiers at No.14. The extension would result in resultant extension approximately 7.6m from the set back rear elevation adjacent to No.18. No.18 has a window in the rear elevation and side elevation facing No.16. However it is considered that given the open nature of the proposal it will not be unduly dominant or harmful to the amenity of the adjoining occupiers of this property.

In summary, the proposed development is not considered to be visually obtrusive and would not have an unacceptable adverse impact on the character and appearance of the host property. Furthermore, it would not be unacceptably harmful to the residential amenity of neighbouring occupiers. The proposal therefore complies with adopted planning policies in the Arun Local Plan 2003 and the Littlehampton Neighbourhood Plan.

As such, the proposed development is therefore recommended for approval for the following reasons.

HUMAN RIGHTS ACT

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 approved shall be carried out in accordance with the following approved plans location plan, 1:500 block plan, floor plan with area calculations, block/site plan 1:200, floor plans & elevations (rec'd 22/3/2018).

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.

- 2 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.