

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

REF NO: LU/422/17/PL

LOCATION: 14 South Terrace
Littlehampton
BN17 5NZ

PROPOSAL: Reconfiguration of 2 units to create a basement flat and one unit over 4 floors.
This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposals relate to changes to the internal layout. The basement flat would be reconfigured and the ground floor rear extension would be altered and repairs undertaken to the upper floors
SITE AREA	.018 hectares
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear garden fencing. To frontage 1m high black painted railings
SITE CHARACTERISTICS	Mid terrace Georgian style 4 storey property with painted rendered elevations.
CHARACTER OF LOCALITY	Predominantly residential characterised by older style properties of similar design.

RELEVANT SITE HISTORY

LU/386/69	Use Of Basement Ground Floor As One Unit And Second And Third Floors As Second Unit	Approve 19-01-70
LU/423/17/L	Listed building consent for reconfiguration of 2 units to create a basement flat and one unit over 4 floors.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Artea Boundary
Conservation Area
Grade 2 Listed Building

DEVELOPMENT PLAN POLICES

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

GEN7	The Form of New Development
AREA2	Conservation Areas

[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
HER DM1	Listed Buildings
HER DM3	Conservation Areas
HER SP1	The Historic Environment

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.

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 Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

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.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the

character of the Conservation 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 revisions to the internal layout are considered to be acceptable. The external changes would be to the rear and would not be readily visible within the Conservation Area. The proposal amends the lower basement flat layout which has previously been used as a separate unit of accommodation. It is not evident when this use commenced.

The proposed layout provides a better use of space and results in a gross internal floor area of 44sqm which exceeds the required 39sqm floor area for 1 person occupation. The application also provides a separate courtyard as outdoor amenity space of 4.7sqm to serve the unit.

Works have already commenced on site. The property has been neglected for many years and has been suffering from water penetration. The basement has been unoccupied as a result of the cramped layout and lack of ventilation and natural light. The works proposed would allow continued use a separate unit of accommodation and improve the amenity of the flat.

It is not considered that use of the property as 2 units of accommodation in the manner proposed would adversely affect the residential amenities of adjoining residential properties. The property has been used in the past as 2 separate units, although the subdivision between floors has been altered. Planning permission has previously been granted to use the lower 2 floors as a separate flat. The existing property is a large terraced unit with 4 bedrooms. The space which is being used to create the additional unit could have been used originally as additional bedroom space and therefore the activity generated by 2 separate units of accommodation would not be considered to be materially greater than the original dwelling when in use as a single unit of accommodation.

The proposal would be in keeping with the character of the area since many of the adjoining terraced properties have been subdivided into flats.

Therefore, it is recommended that the application is approved subject to the following 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 approved shall be carried out in accordance with the following approved plans Location and Plot Plan R10.014, Block/Site Plan, Proposed Rear Elevation R10.012, Proposed Basement R10.021, Proposed Ground Floor R10.022, Proposed First and Second Floor R10.023, Proposed Third Floor R10.024 and Joinery Sections R10.013.

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 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.