

Recommendation Report for Planning Permission

REF NO: LU/50/17/PL

LOCATION: 70 High Street
Littlehampton

PROPOSAL: Dormer window within existing rear roof slope. This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the construction of a dormer window on the rear elevation of the property. The proposed dormer window will measure a maximum of approximately 3m in depth, 3.5m in height and 3.75m in width. The application proposes the use of tile hanging on the walls of the dormer and matching tiles on the roof with uPVC windows.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The building abuts the High Street to the north and the pavement to the east.

SITE CHARACTERISTICS

The site is occupied by an end of terrace three storey building with a currently vacant commercial unit at ground floor level. The upper floors have previously been used as offices associated with the former ground floor banking use but have recently been the subject of a lawful development certificate for change of use to 2 no, residential properties. The ground floor features stone with the first and second floor being constructed from brick with a slate roof. The property is identified as a building of special character.

CHARACTER OF LOCALITY

The character of the locality is predominantly commercial with the property being located in a town centre location.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 3rd April 2017 and had no objection to the application.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Consultations responses received:

None received.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Building Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) DEV19
GEN22
GEN2
GEN7

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

Extensions to existing residential buildings
Buildings or Structures of Character
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
HER SP1 The Historic Environment
HER DM2 Locally Listed Buildings or Structures of Character
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD8

Areas of Special Character

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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.

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 application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are policies GEN7, GEN22 and DEV19 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed dormer window will be located on the southern elevation of the property at third floor level. It will be clearly visible within the street scene when viewed from Clifton Road to the south as well as from within Sparks Court. It is considered that the proposed dormer will be partially obscured by the presence of a chimney to the south of the site when viewed from Clifton Road. The proposed dormer window will have a limited presence within the street scene when viewed from the east by virtue of its design and location.

68 High Street to the west of the application site features a full width dormer window which is clearly visible from within Sparks Court although it does not have a significant presence within the street scene of Clifton Road. Despite this it is considered that the proposed dormer window will not adversely impact upon the established character of the locality.

By virtue of its design and location it is considered that the proposed dormer window will appear subservient to the host building and well integrated subject to the use of materials which match those of the existing structure. Therefore, the proposed dormer is deemed in accordance with policy DEV19(i) and (ii) of the Arun District Local Plan.

The property is identified as a building of special character and as such it is necessary for alterations and extensions to not adversely impact upon the appearance of the structure. It is considered that the proposed dormer window will not have an unacceptably adverse impact upon the character or appearance of 70 High Street by virtue of its design, location and the materials proposed. Therefore, it is considered that the proposal will accord with policies GEN7(ii) and GEN22 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed dormer window by virtue of its design and location will not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon the residential amenity of neighbouring properties. Therefore, it is considered that the proposed dormer window will accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below 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 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 no impacts have been identified upon any 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 plans:

- Floor Plans, Roof Plan, Site Plan & Location Plan - Drawing No. 1512-1887
- Proposed Elevations - Drawing No. 1511-1888

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

- 3 The materials and finishes of the external walls and roof of the dormer extension hereby permitted shall match in colour and texture those of the existing building.

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

- 4 **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.