

REPORT UPDATE

Application No: LU/53/22/PL

Reason for the Update / Changes

Reason for Update/Changes:

Statement from Agent received as follows:

The application follows an approval of planning permission for the new dwelling adjoining 215 Timberleys at Planning Committee in March 2021.

The Officer Report sets out in detail the reasons why the revised proposals are acceptable in policy terms. However, we want to highlight that identical rear extensions could be added to both 215 Timberleys (at any time) and the new dwelling - following its completion - under existing permitted development rights.

The only purpose of this application is to enable these extensions to be built at the same time as the new dwelling and minimise disruption to neighbours by avoiding multiple stage development.

The application come to committee due to an objection from Littlehampton Town Council repeating their concerns from the original approval but has not been objected to by any other consultee or resident.

We therefore trust that Members will be able to approve the application in line with their officers' recommendation.

Officers Comment:

The additional statement received does not alter the officers recommendation for this application.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/53/22/PL

LOCATION: 215 & 215A Timberleys
Littlehampton
BN17 6QD

PROPOSAL: Single storey rear extension to 215 Timberleys and single storey rear extension to proposed new dwelling at 215A Timberleys (approved under application reference LU/350/20/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks to construct two adjoining rear extensions to 215 and 215A. The extensions would project

from the western face of the dwellings by approximately 3m, across the full width of the dwellings.

No. 215A was approved under LU/350/20/PL but has not yet been built.

SITE AREA

Approximately 220.sq.m.

SITE CHARACTERISTICS

The site forms the rear gardens of 215 and 215A Timberleys and is under the same ownership.

CHARACTER OF LOCALITY

The area is part of a residential street, comprising a uniform character of terraced dwellings 3 storeys, set in medium plots set back from the highway by gardens/parking areas.

RELEVANT SITE HISTORY

LU/266/21/PL	Erection of 1 No. 4 bed dwelling (resubmission of LU/350/20/PL). This application is in CIL Zone 4 and is CIL Liable as new dwelling.	Refused 04-11-21
LU/350/20/PL	Erection of 1 No new dwellinghouse.	ApproveConditionally 31-03-21
PAA/197/17/	Erection of 1No. Dwelling.	Refuse Pre App 29-11-17

Permission for the town house was granted by LU/350/20/PL. An application to provide a ground floor extension to 215A at 4m in depth and full width across the rear of the property was refused by LU/266/21/PL on grounds that it would be overbearing on 215 Timberley. This application has taken account of the refusal and requests approval of smaller extensions to the rear of both properties.

REPRESENTATIONS

Littlehampton Town Council - Objection. Over development of the site which would set a precedent.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The comments raised will be addressed in the conclusion section.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVSP1	ENV SP1 Natural Environment
ECCSP2	ECC SP2 Energy and climate change mitigation

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Littlehampton has a made Neighbourhood Plan and the relevant policies have been considered.

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 the extension to the rear of both properties is subservient to the host dwellings, will be well integrated and not adversely affect adjoining properties by means of overbearing, overshadowing and overlooking and complies with policy D DM1 and D DM4 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are not other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

BACKGROUND

Permission for a new dwelling in the garden of 215 Timberleys was granted by LU/350/20/PL. A subsequent application was submitted for the dwelling with the addition of a 4m deep rear extension from the western elevation. This is a resubmission for rear extensions only, to both 215A and 215. This application reduces the extent of the depth of the extension to 3m.

No. 215A is not yet built.

This application proposes a single storey flat roofed rear projection 3m in depth across the backs of 215 and 215A Timberleys, which will provide the occupants of both properties with an enlarged (but separate) kitchen/dining room. The extension to 215 and 215A could be provided under Permitted Development Rights (PDR).

PRINCIPLE

The site lies in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. The key policies of the Arun Local Plan are D SP1, D DM1 and D DM4 of the Arun Local Plan and policies 1 and 2 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the Littlehampton Neighbourhood Development Plan (LNP) states permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. The proposal is in conflict with this policy in that the proposal does not accord with the Development Plan in the form of Policy D DM1(3) of the Arun Local Plan.

Policy 2 of the Littlehampton Neighbourhood Development Plan (LNP) seeks to focus development within the built up area boundary. The proposal is in accordance with this policy due to the siting of the application site being within the built up area boundary.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, a rear extension should not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth.

DESIGN AND VISUAL AMENITY

The Northern boundary of the extension would face Worthing Road and be visible from this position. It would not be visible from Timberleys. At its closest point, the extension is approximately 5m from the northern boundary with the Worthing Road. Whilst this is close to the highway, it does not protrude further north than the bulk of the building and the proposal would not give rise to an unduly dominant appearance in this street scene, by reason of the separation distance, a mature planting buffer on site and the 4m planting buffer between the site boundary and the public footpath.

The structure, having a flat roof design, would have a height far lower than the 3-storey dwellings. It would be built from materials matching the dwellings and provide a scale of accommodation comparable to spaces in other dwellings. The extensions will provide a good level of visual integration, and is subservient to the dwellings and as an adjoining pair of extensions, will form a cohesive set of works and accords with Part M of the Arun Design Guide in this respect.

Various other rear extensions are present in the row of properties and this structure will not compromise the spatial character of the area. Littlehampton Town Council believe this addition to be overdevelopment. It is not over development as the site is afforded permission for a dwelling and other properties have extended to a similar level.

The development complies with policies D DM1, D DM4 and D SP1 of the Arun Local Plan and policy 2 of the LNP and Part M of the Arun Design Guide.

RESIDENTIAL AMENITY

No 213 would be they only neighbour to be impacted by the extension. This application sought to remedy the refusal reason of being overbearing to the immediate neighbour by reducing the length of the rear extension by 1m. Since its reduction in depth from the previous application it does not infringe on the neighbouring property as it complies with the 60-degree rule for rear extensions, set out in Part M of the design guidance for rear extensions.

Although the extensions would not provide rear garden length in line with Design Guidance recommendations, it is acknowledged that 215A does have additional side garden space, not afforded to other properties in the terrace. As both properties share a rear boundary with the cemetery, the shortfall in garden depth is not considered a reason to refuse this application. The extension will not adversely affect no.213 by means of being overbearing or overshadowing.

The development does not result in loss of privacy to the occupiers of 213 as openings face the rear garden and are contained at ground floor level, where they are generally accepted as not adversely affecting privacy levels.

SUMMARY

The development is acceptable as it accords with policies D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun Design Guide.

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

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 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-

 - Location 1905-05
 - Block Plan 2110-09 Rev A
 - Proposed Elevations 2110-03 Rev C
 - Proposed Site Plan Ecological Improvements 2110-04 Rev C
 - Proposed Second Floor and Roof Plans 2110-11 Rev A
 - Proposed Ground and First Floor Plans 2110-02 Rev C
 - Proposed Site Plan 2110-01 Rev C
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.
- 3 The materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 INFORMATIVE: This permission relates to rear extensions to 215 and 215A Timberleys only. The applicant is reminded that the other planning conditions attached to the original planning permission number LU/350/20/PL for the approval of 215A Timberleys remain in force and must be complied with.
- 5 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.