

Recommendation Report for Planning Permission

REF NO: LU/78/19/PL

LOCATION: 32 Griffin Crescent
Littlehampton
BN17 7LJ

PROPOSAL: Division of single dwelling into 2 No. dwellings & alterations to roof to form new rooms.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the subdivision of the existing 6 bed dwelling into a 1 x 2 bedroom dwelling and 1 x 3 bedroom dwelling. The proposal includes alterations of the original dwelling house comprising a full width rear dormer with a Juliet balcony to one of the openings and a half hipped roof.
SITE AREA	Approximately 304m ² .
RESIDENTIAL DEVELOPMENT DENSITY (NET)	66 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a low 0.5m high brick wall. The rear and side boundaries of the site consisting of close boarded fencing to approximately 2m in height.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two storey dwelling constructed from brick with a hipped tiled roof. The property has previously been the subject of a two storey side extension.
CHARACTER OF LOCALITY	The character of the locality is residential and features properties of a uniform character. The properties in the immediate locality are brick built semi-detached or terraced properties with hipped roofs.

RELEVANT SITE HISTORY

LU/154/17/PL	Division of existing house to form a new separate dwelling. Reduce existing dwelling to its original size with new bedroom formed in new dormer and roof space.	Refused 21-07-17
LU/305/06/	Two storey extension at side	ApproveConditionally 02-11-06

LU/29/18/CLP Lawful development certificate for proposed alterations & PP Not Required
extension to roof to form new rooms. 22-03-18

Planning permission was granted under reference LU/305/06/ for the creation of a two storey side extension.

Planning application LU/154/17/PL was refused for the following reason:

'The creation of a dwelling through the alteration of the existing properties hipped roof to a half hip is considered to have an unacceptable incongruous impact upon the character and appearance of the existing dwelling as well as the character of the wider locality in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.'

The appearance of the current proposals are identical to those contained within LU/154/17/PL.

LU/29/18/CLP granted a lawful development certificate for proposed alterations & extension to roof to form new rooms on the adjacent property no 30. which formed the original half of the semi detached pair of properties. This proposal would provide an identical mirror image of the roof shape on the adjoining property.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The proposals will result in the creation of dwellings that are deficient in terms of external and internal space provision and do not therefore meet the current space standards.

COMMENTS ON REPRESENTATIONS RECEIVED:

Internal space standards are met. Each dwelling has adequate rear garden space to accommodate private useable amenity space.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICESArun Local Plan 2011 - 2031:

DEV19	Extensions to existing residential buildings
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

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. 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; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Littlehampton Neighbourhood Plan has been made and policies 1 'Presumption in Favour of Sustainable Development' and 2 A Spatial Plan for the Town are considered to be relevant 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 conflict with relevant Development Plan policies in that there would be a

materially adverse effect on visual amenity and character of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely the granting of a Lawful Development Certificate (LU/29/18/CLP), on the adjacent dwelling, for the reasons set out in the conclusions section below.

CONCLUSIONS

PRINCIPLE

In this case the key policy considerations are deemed to be D DM1, D DM2 and D DM4 of Arun Local Plan which cover such issues as visual amenity/character, residential amenity, highway safety and parking. Policies 1 and 2 of the Neighbourhood Plan support development for housing within the built up area boundary.

Further, the NPPF generally seeks to promote the effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

PLANNING HISTORY

The approved Lawful Development Certificate for the adjoining dwelling (no 30) proposed to continue the ridge line of the existing dwelling outwards and form a gable with a small hip at the top side of the new roof (a pollarded hip) and a rear flat roofed dormer with a mock pitch surround. The dormer indicated was 6.2m wide by 2.85m deep to top of mock pitch and extended 2.9m out from the roof plane. The base of the dormer was 1m above existing eaves level. The proposed development was considered to accord with the limitations of Schedule 2, Part 1, Class B, C and G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore 'permitted development'. As such an extension on this part of the proposal does not require submission of an application for planning permission.

DESIGN AND VISUAL AMENITY

The proposed side alterations to the roof shape of the existing dwelling are considered to have an unacceptably adverse impact upon the character of the host dwelling and the wider locality. Properties in the locality are of a similar design/construction and feature hipped roofs. Even where two storey extensions have been approved this hipped roof construction has predominantly been retained. However the Lawful Development Certificate on the adjoining property is a material planning consideration and demonstrates that other similar roof alterations in the area could also be undertaken as permitted development outside of planning control.

Officers acknowledge that the proposals contained with LU/154/17/PL were refused planning permission in error as they were permitted development and therefore did not require planning permission.

The cumulative impact would be to alter the appearance of the original roofscape in the area. Further the applicants are aware that their neighbours at no 30 are intending to form rooms in their roof, including alterations to the hipped part of the roof and the applicant would like to match to the 2017 permitted development scheme (LU/154/17/PL). The proposal would restore the symmetry of the pair by carrying out the extension in a co-ordinated way with matching details and materials. The proposed alterations to the roof of the existing dwelling cannot therefore be reasonably refused despite the unacceptable impact contrary to policy DDM1(1) of the Arun Local Plan. Indeed retention of the symmetry of the roof shape of the original pair of dwellings on this corner site would be better than a visually unbalanced terrace of properties.

A rear dormer window in this location could be constructed as Permitted Development under Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) Order 2015 (as amended). It is considered that the proposed dormer by virtue of its location to the rear of the dwelling will not adversely impact upon the character of the existing dwelling or the wider locality and it is noted that other neighbouring properties including no 2 Griffin Crescent have rear dormers.

INTERNAL/EXTERNAL SPACE STANDARDS

The 2 bed dwelling has a gross internal floor area of 70m² which meets the standards for a 3 person, 2 storey dwelling. With regards to the 2 bed dwelling bedroom 2 has a floor area of 10.6m² and as such for the purposes of the Nationally Described Space Standards (NDSS) must be considered as a 2 bed 3 person dwelling. Therefore, the proposed dwelling would accord with the requirements of the NDSS.

The proposed 3 bed dwelling would have a gross internal floor area of approximately 110m² over three storeys which complies with the space standards of 108sqm for a 6 person 3 bed 3 storey property. The host dwelling will be reduced in size given the conversion of the previously approved two storey side extension under reference LU/305/06/. Therefore, it is considered that the size of the dwelling would be acceptable and in accordance with the NDSS.

The rear garden is specified as having a total area of approximately 45m² for the 2 bed dwelling and 92sqm for the 3 bed original dwelling house. Policy D DM3 of the emerging Local Plan is no longer being applied, but that sought the provision of a 50sqm rear garden for a 2 bedroom terraced property. It is considered that the shortfall of private amenity space for the proposed development would be acceptable and would not provide adequate justification for refusal.

RESIDENTIAL AMENITY

The proposed alterations to the host dwelling and creation of a separate dwelling is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on the residential amenity of neighbouring properties. The proposed dormer window would give rise to overlooking comparable to that which can be expected from the first floor windows of any terraced or semi-detached residential property.

Similarly the proposed garden of the new dwelling would not be subject to unacceptably adverse overlooking from neighbouring properties. 2 Griffin Crescent to the west of the application site is situated 9m from the shared boundary with the proposed dwelling. Whilst, there would be views towards the rear elevation of the proposed dwelling this relationship already exists and it is considered that the proposal would not result in unsatisfactory living conditions for any future occupier.

SUMMARY

The proposed alterations to the roof of the existing dwelling would result in visual harm to the character of the locality in conflict with policy DDM1 of the Arun Local Plan. Whilst the proposals are identical in appearance and scale to those refused planning permission under LU/154/17/PL it is now acknowledged that those proposals were permitted development and did not require planning permission. Further, following the approval of LU/29/18/CLP, on the adjoining property, the proposals are considered to be acceptable since they will allow the resultant roof shape to be visually balanced and symmetrical across the terrace of properties. In all other respects the proposal is acceptable. Therefore, it is recommended that planning permission 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 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 Plan, Elevations, Block, and Location Plan Rev 2 dated 10/05/17.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 The materials and finishes of the dormer windows and roof alterations hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy DDM1 of Arun Local Plan.
- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy DDM1 of the Arun Local Plan.
- 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.