

Recommendation Report for Planning Permission

REF NO: LU/83/13/

LOCATION: 114 Clun Road
Littlehampton

PROPOSAL: Erection of 2 No garages

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The two-garages will be contained within a single flat roofed structure measuring 5.6 metres in length and width and approximately 2.4 metres in height.
SITE AREA	Approximately 660 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mature tree, of approximately 8 metres in height, growing in the corner of the site where the proposed garages would be positioned. It would therefore appear that this tree would need to be removed. It is not the subject of a Tree Preservation Order and, given its location, away from the street scene, and its proximity to nearby buildings, it is not considered to be worthy of TPO status.
BOUNDARY TREATMENT	Low, delapidated wall along site frontage. Northern boundary is marked by approximately 1.8 metre high chain link fencing, eastern boundary by 2 metre high timber fencing and southern boundary by mix of approximately 2 metre high concrete block walling and timber fencing.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey building that has been extended and divided into 8 separate residential flats. Hard surfacing for parking and access has been provided to the front, side and partially to the rear of the building. There are two dilapidated shipping containers positioned side by side to the rear of the dwelling. These would be removed in order for the proposed garages to be accommodated.
CHARACTER OF LOCALITY	The site is located on a street within a high density residential area which is characterised by a mix of two-storey residential dwellings interspersed with blocks of flats, also predominantly two-storey. Planned landscaping including grass verging and green areas enables a sense of openness to be maintained.

RELEVANT SITE HISTORY

LU/488/87	Conversion of existing property to 4 flats and extension to form 1 flat	Approve Conditionally 15-02-1988
LU/113/05/	Extend existing block of 5 studio flats to form 3 extra flats making a total of 8.	Approve Conditionally 02-06-2005

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Within Built-Up Area
Class C Road
Flood Zone 3

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

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

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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

Permission was granted under LU/113/05 for the building to be extended and subdivided into 8 separate units of accommodation and these works have been undertaken. However, a condition of the approval was that 8 off street vehicular parking spaces, shown on accompanying plans, were laid out and provided. This condition was imposed on the grounds of highway safety and has, thus far, not been complied with.

The proposed garages will occupy an area allocated for 3 of these parking spaces as per the plans accompanying LU/113/05. The applicant has not indicated how the loss of these parking spaces will be mitigated. The presence of the garages may also compromise the aims of the off street parking condition attached to LU/113/05 by way of reducing available space for off-street parking for occupants of the building. As such, it is considered that the proposal may result in an adverse impact upon highway safety.

It is therefore recommended that the application is refused for the following reasons.

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 (insert number and description), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 it has been determined that it would result in a neutral impact 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).

As such, no specific mitigation measures are required.

RECOMMENDATION

REFUSE

- 1 Granting planning permission in this case would conflict with the implementation of condition number 2 of planning permission reference LU/113/05 for the extension of the block of flats requiring that "the flats shall not be occupied until the space to be laid out for stationing vehicles clear of the public carriageway has been surfaced, drained and completed. The space so approved shall not thereafter be used other than for parking of vehicles in connection with the development hereby permitted."