

Recommendation Report for Planning Permission

REF NO: LU/87/19/PL

LOCATION: 7 Thorncroft Road
Littlehampton
BN17 6DD

PROPOSAL: Demolition of existing shed & erection of 1 No. 1 storey cabin with habitable roof space.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the demolition of an existing shed and the erection of a two storey dwelling on land to the rear of 7 Thorncroft Avenue.
SITE AREA	The site measures approximately 0.0163ha in area.
TOPOGRAPHY	Predominantly flat.
TREES	The site features a number of mature trees along the southern boundary of the site measuring approximately 10m in height. The proposal would require the felling of these trees which are not the subject of a tree preservation order.
BOUNDARY TREATMENT	The land is currently in use as private amenity space associated with 7 Thorncroft Road and as such the boundaries of the site consists of 1.8m high fencing.
SITE CHARACTERISTICS	The application site consists of existing private amenity space associated with an existing residential property and features a number of sheds associated with the existing residential use of the site. To the south of the application site is a hard surfaced access which provides vehicular access to the rear of properties situated on Horsham Road West and Townsend Crescent.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and is characterised by semi-detached and terraced two storey dwellings set back from the highway and featuring brick and render elevations with tiled roofs. Development in the locality is set out in two crescents with development addressing Townsend Crescent and Horsham Road West.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection

The Town Councils Planning and Transportation Committee considered this matter at its meeting held on

Monday 24th June 2019 and object to the proposals on the grounds that the cabin by virtue of its height and mass constituted an overdevelopment of the site and would have an adverse impacts on the residential amenity of neighbouring residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted.

CONSULTATIONS

WSCC Strategic Planning

Estates Manager

Environmental Health

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highways Network, therefore is not contrary to Paragraph 109 of the National Planning Policy Framework and there are no transport grounds to resist the development.

ENVIRONMENTAL HEALTH

Electrical vehicle charging point condition requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design

[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.

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).

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 it would result in a dwelling which would appear incongruous within the street scene, out of character with the established pattern and character of existing residential development and would fail to secure an adequate standard of residential amenity for future occupiers of the site and neighbouring properties.

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 up area boundary, as established by policy SD SP2 of the Arun Local Plan, where the principle of development is acceptable subject to the developments accordance with relevant policies contained within the Development Plan.

The development plan in the determination of this application consists of the Arun Local Plan and the Littlehampton Neighbourhood Plan and as such it is will be necessary to consider the proposal against the policies contained within these documents.

DESIGN AND VISUAL AMENITY

The application seeks planning permission for the construction of a detached two storey dwelling to the rear of 7 Thorncroft Avenue. The proposed dwelling has been designed to appear as a log cabin with first floor residential accommodation contained within the roof space and a veranda and balcony present on the eastern elevation.

The proposed dwelling will feature a single parking space in the south-eastern corner of the site with a cycle shed and garden situated forward of the primary elevation. The proposed garden is identified as featuring a patio and with the area identified as garden measuring approximately 25.12sqm. Land measuring 1m in width is identified to the east and west of the proposed dwelling with an additional area measuring approximately 17.32sqm is identified to the north of the dwelling.

The proposed dwelling by virtue of its design is not considered to reflect the established character of the area and as such would appear incongruous within the street scene. However, the proposed dwelling is situated off the access road, which is situated to the rear of the existing residential development, and as such would not have a significant presence within the street scene of Townsend Close.

The proposed structure by virtue of its design and the proposed layout of the site would introduce residential development to the rear of the existing dwellings which is currently undeveloped with the exception of garden sheds. Therefore, the proposed development by virtue of its siting, design and materials used in construction is considered to have an unacceptable impact upon the established character and pattern of development within the locality of the site in conflict with policies D SP1 and D DM1 (1) of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development by virtue of its location to the rear of the existing properties is isolated and would not sit within the established street scene. Therefore, it is considered that the proposed development does not integrate with existing residential development. It is also considered that the proposed development would adversely affect the residential amenities of neighbouring dwellings and future occupiers.

Future residents of the site when walking to or from the dwelling would need to do so through the existing compound which does not feature street lighting, nor do the access roads incorporate segregated pedestrian footways and as such the proposed development would result in conflict between vulnerable road users and vehicles.

The proposal also makes limited provision of private amenity space, the area to the rear of the proposed dwelling by virtue of its dimensions is not considered adequate. Whilst the amenity space forward of the primary elevation (based upon the detail specified on drawing no. 001A) would be open to the vehicular compound and would not provide any private amenity space to adequately address the needs of future occupiers of the site.

The proposed development is situated to the rear of 7 Thorncroft Road as well as 18 and 20 Townsend Crescent. The proposed dwelling will measure approximately 6.43m in height and features a rooflight on the western elevation but it is considered that this window will not give rise to any unacceptable adverse overlooking of neighbouring properties given its location 1.8m above floor level.

The proposed balcony on the southern elevation of the dwelling is also not considered to give rise to any unacceptable adverse impacts upon residential amenity given that views to the east and west will be restricted by virtue of its design with the roof and walls of the dwelling providing solid screening.

However, the proposal features a first floor window on the rear/western elevation which will serve the second bedroom of the dwelling. This window will be situated just 9.98m from the rear elevation of 7 Thorncroft Road and will give rise to unacceptable adverse overlooking of the rear of the dwelling as well as the private amenity space to the rear of the property. It is considered that a condition to restrict this window to being obscurely glazed and fixed shut below 1.8m would be unreasonable given that it is the only window which will serve the bedroom and to do so would have an unacceptable impact upon the

amenity of future occupiers. Therefore, the proposal will result in an unacceptably adverse impact upon the residential amenity of neighbouring properties in conflict with policy D DM1 (3) of the Arun Local Plan.

SUMMARY

It is considered that the proposed dwelling would constitute overdevelopment of the site giving rise to unacceptable adverse harm to the established character of the locality and would result in unacceptable harm to the residential amenities of future occupiers as well as existing neighbouring properties. Therefore, the proposal is considered to be in conflict with policies D SP1 and D DM1 of the Arun Local Plan and in the absence of any material considerations which would warrant a decision other than in accordance with the development plan the application is recommended for refusal.

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), 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

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

REFUSE

- 1 The proposed development by virtue of its design, siting, appearance and scale is considered to have an unacceptably adverse impact upon the established character of the locality and would give rise to unacceptably adverse impacts upon the residential amenity of future occupiers as well as neighbouring properties in conflict with policies D SP1 and D DM1 of the Arun 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 with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local

Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.