

Recommendation Report for Planning Permission

REF NO: LU/92/18/PL

LOCATION: Flat 1
126 Arundel Road
Littlehampton
BN17 7DW

PROPOSAL: Studio apartment with roof extensions & bin store & cycle store

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves extending the roof of the building to enable its conversion into a studio apartment.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mixture of brick walling and close boarded fencing.
SITE CHARACTERISTICS	2 storey detached property (currently used as 3 x 1 bed flats) with brick elevations, red tile hanging and hipped roof with gable end to the front. The property has a carport to side and single storey flat roofed side and rear extensions.
CHARACTER OF LOCALITY	Predominantly residential on main road, mainly characterised by 2 storey dwellings on the eastern side of the road and semi-detached 2 storey dwellings on the west side. The front boundary treatment to the majority of properties is low brick walls and soft vegetation.

RELEVANT SITE HISTORY

LU/296/17/PL	Variation of condition 5 imposed under LU/297/07/ relating to approved plans to change pitched roof dormers to flat roofs.	Refused 30-11-17
LU/334/15/PL	Loft conversion & extension to create 3no. new flats - amended scheme to previous approval LU/297/07. Resubmission of LU/201/15/PL	Refused 01-12-15
LU/201/15/PL	Loft conversion & extension to create 3 no. new flats - amended scheme to previous approval LU/297/07.	Refused 07-08-15

LU/297/07/	Proposed loft conversion to create 2no. additional flats	ApproveConditionally 09-10-07
LU/238/89	Conversion into 3 No. flats	ApproveConditionally 30-08-89

Planning history noted, in particular those applications for additional flats that have been refused.

This application is virtually identical to planning permission LU/297/07 in external appearance.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council:

Object - Consider that the proposal would be overdevelopment and out of character for the area.

6 letters of objection as follows:

- Lots of people in and out of the house along with their cars. We don't need anymore of the added noise.
- Loss of privacy particularly to rear gardens of neighbouring properties.
- Might become an HMO.
- More information needs to be provided by the applicant in the form of planning sections so show how floor area (GIA) has been calculated, then these should be re-consulted on.
- Concern over more studio flats.
- Overdevelopment. Property already over extended.
- Area/road where many homes are owned by families, want it to stay as it is.

COMMENTS ON REPRESENTATIONS RECEIVED:

Objection has been raised that following any grant of the proposed flat, that the property could be used as a House in Multiple Occupation (HMO). Officers note that to turn flats into an HMO would require planning permission and any HMO created without planning permission would be at the applicant's own risk. Additionally, should the Local Authority be notified of any HMO at this address enforcement action could be taken.

Objection has been raised regarding overdevelopment and that the property has already been over extended. It is noted that the application property has previously been extended at ground floor level to the rear. However, having regard to the above assessment, Officers do not consider the addition of dormer windows or the addition of the proposed studio flat as over development.

Objection has been raised regarding the addition of further studio flats at the application property. To subdivide a house into multiple units planning permission is required. Therefore any proposal for additional flats at this property would be subject to an assessment by the Local Planning authority and could be refused.

All other comments are noted and will be discussed further in the conclusions section below.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways:

The proposal will result in a material intensification of use at the site access point. They advise that the 4 parking spaces as shown on the plans are unallocated and used on a flexible basis by all residents. They note that the application site is situated within a sustainable location and as such the proposed quantity of parking provision would be considered adequate regardless of how it is used.

It is also considered that adequate turning on site is also provided. The applicant proposes 4 bicycle parking spaces which are deemed adequate.

A number of conditions are proposed by the LHA should planning permission be granted.

Overall, the Local Highways Authority does not consider that the proposals would have a 'severe' impact on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework and there are therefore no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area Boundary.

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development

[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 District Local Plan 2011-2031, West Sussex County

Council's Waste and Minerals Plans and Made Neighbourhood Development Plans

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).

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 relevant Neighbourhood Plan is the Littlehampton Neighbourhood Plan 2014. The following policies would apply:

Policy 1: The Presumption in Favour of Sustainable Development.

Policy 2: A Spatial Plan for the Town.

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 significant 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/POLICY

Arun Local Plan

Policy SD SP2- Built-up Area Boundary

Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

The key Policy considerations in the determination of this application are deemed to be D DM1 and D

DM4 of the Arun Local Plan, Policies 1 and 2 of the Littlehampton Neighbourhood Plan and guidance within the National Planning Policy Framework.

Policy D DM1 - Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

1. Character
2. Appearance/attractiveness
3. Impact

Policy D DM4 - Extensions and alterations to existing buildings (residential and non-residential)

When considering applications for extensions and alterations to existing buildings, the Council will require that the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials, is visually subservient to the main building and provide a high standard of amenity, does not have an adverse impacts on neighbouring properties and respects the established spatial character.

Littlehampton Neighbourhood Plan

Policy 1: The Presumption in Favour of Sustainable Development

Littlehampton Town Council will take a positive approach to its consideration of development. The Town Council and the local planning authorities will seek to work with applicants and other stakeholders to encourage the formulation of development proposals that can be approved.

Policy 2: A Spatial Plan for the Town

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area boundary of Littlehampton.

National Planning Policy Framework (NPPF)

Paragraph 11. Plans and decisions should apply a presumption in favour of sustainable development:

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

DESIGN AND VISUAL AMENITY

The proposed dormer window in the north roofslope has been reduced in width from that previously proposed under previous application ref: LU/296/17/PL, while the dormer in the south roofslope would be marginally wider. Also noted in that the proposed dormer windows would have a part flat roof form similar to that previously proposed under application ref: LU/296/17/PL. Other dormer windows could be seen along Arundel Road.

The proposed dormers would alter the appearance of the property and would be visible from within the street scene. However they would appear subservient to the host dwelling as they would be set down from the ridge and set well away from the sides of the roof. It is considered that the proposed dormer windows would not be visually dominant or out of keeping within the street scene.

The proposed bin store would project forward of the front elevation of the building forming 12 Arundel Road Littlehampton. It would have a height of 1.5 metres and would project forward of the front elevation of the hoist dwelling by 1.4 metres. While not a feature seen along Arundel Road, it would be set back from the highway by no less than 10.25 metres. As such it is considered that the proposed bin store, while visible from within the street scene would not have an unacceptable detrimental impact upon it.

The proposed materials are considered acceptable. The proposed dormer would sympathetically relate to and would be visually integrated with, the existing building in siting, massing, design, form, scale and materials.

As such, it is considered that the proposed dormer window(s) would comply with Policy D DM1 and criteria a, b, d and e of Policy D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Objections have been raised regarding the loss of privacy particularly as a result of the proposed windows. The proposed window in the rear gable would allow views out over adjoining properties 124 and 128, as well as 15, 17 and 23 Kent Road to the rear. The views out toward the properties to the rear would be over longer distances, with the closest back to back distance being out toward number 17 - approximately 18 metres. However, the window in the rear gable would have a similar outlook to that of the existing windows at first floor in the rear elevation. Therefore officers consider that no additional and unacceptable levels of overlooking would occur above those already present.

The proposed dormer window in the north roofslope would serve a stairwell. Officers note that this could allow shorter views out over the rear of adjoining property number 28. However, as this window does not serve a habitable room and will be predominantly to allow daylight in and not for looking out of, it is considered that no detrimental overlooking would occur as a result of this window. The same applies to the proposed enlarging of an existing stairwell window serving the existing flat located on the first floor of the premises.

With regard to the windows in the south facing dormer, they would serve a kitchen and shower room. An obscure glazing/fixed shut condition would be applied to any grant of permission.

With regard to noise officers do not consider that the addition of an additional flat for residential use would lead to detrimental noise issues. Appropriate sound insulation measures between adjoining living areas would be required as part of a building regulation application which would be expected to prevent unacceptable noise breakout between adjoining flats.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Policy T SP1 of the Arun Local Plan applies which states that the Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking.

Four off-road parking spaces are being provided in order to serve the existing and proposed flats within the application building. County Highways do not object to the level of off street parking proposed.

It is also considered that adequate turning on site is also provided. The applicant proposes 4 bicycle

parking spaces which are deemed adequate.

The proposals would not have a 'severe' impact on the operation of the highway network and therefore is not contrary to the NPPF. As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan applies (Internal space standards) which confirms that the planning authority will require internal spaces to be an appropriate size having regard to the Nationally Described Space Standards.

Objection has also been raised that more information needs to be provided by the applicant in the form of planning sections so show how floor area (GIA) has been calculated, then these should be re-consulted on. Officers note that a section has since been provided by the applicant as well as alterations to the plans to accurately show where the 1.5 headroom within the proposed flat would be.

Officers consider that the proposed flat would have a gross internal (floor) area (GIA) of 37.565 metres squared (officer calculations) which would not comply with the aforementioned legislation. Officers note that this legislation allows a lower space standard of 37 rather than 38 metres squared, where a shower room rather than a bathroom is being provided. The plans show a shower room rather than a bathroom is being provided.

While no additional amenity space is being provided officers note that the unit will not be for family occupation and so there is less of a compelling need for outdoor space for the benefit of children. It is also the case that there are open spaces near by including the beach which can be utilised for outdoor space purposes.

As such, it is considered that the proposal would comply with Policy D DM2 of the Arun Local Plan.

FLOODING AND FLOOD RISK

Part of the application site falls within Flood Zones 2 and 3 however as the proposed flat would be in the roof above the 2nd floor it is considered that the no flooding or flood risk issues would occur.

SUMMARY

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable 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:

Section Plan, 1210/P020 1210/P021 Revision D, 1210/P022 and 1210/P023.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 3 The materials and finishes of the proposed dormers and windows 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 District Local Plan.
- 4 The windows in the dormer on the southern elevation of the building, serving a bathroom and a kitchen, shall at all times be glazed with obscured glass and fixed shut to a height of 1.7 metres from the floor of the room that they serve.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 5 No part of the development shall be first occupied until the parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.
- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options in accordance with policy T SP1 of the Arun Local Plan.

- 7 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 8 **INFORMATIVE:**Officers note that the proposed submitted plans show internal alterations to the existing flat at 1st floor level. However, these changes are not considered to be subject to planning control and, as such, no assessment will be made regarding these internal alterations.