

Recommendation Report for Planning Permission

REF NO: M/124/17/PL

LOCATION: 74 Elmer Road
Middleton on Sea
PO22 6EX

PROPOSAL: Retention of salon, erection of first floor extension & single storey rear extension to create a 1 bedroom apartment (resubmission following M/86/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to a first floor extension 6m in height measuring 9m by 5.5m and a rear extension 3.2m in height and 6.5m by 6.3 m in area. The materials of the extension are not specified.
SITE AREA	212sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	47 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Site frontage open. Hedging and fencing to northern boundary to approx. 2.5m. 1.8m close boarded fencing to rear
SITE CHARACTERISTICS	Premises comprises a single storey flat roofed building with red brick elevations. It is currently in use as a hairdressers. Detached shallow pitched garage to rear. Whole of rear courtyard area is hard surfaced
CHARACTER OF LOCALITY	The area is part of a village centre setting with mixed uses. A pub is located opposite the site and a takeaway to the south. Several residential properties mainly bungalows are located along Elmer Road to the east and west of the site. The site immediately adjacent to the site is a flat roofed 2 storey property with ground floor takeaway and residential use above.

RELEVANT SITE HISTORY

M/86/17/PL	Retention of salon, erection of first floor extension & two storey rear extension to create 1 No. dwelling.	Refused 15-11-17
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Planning application M/86/17/PL which was refused related to a rear extension measuring 6.3m by 6.5m. The first floor extension had an obscure glazed east facing dormer. The ridge height was 5.9m high. This proposal has reduced the extent of the first floor accommodation proposed by locating it above

the existing hair salon only.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - Please apply standard condition ENGD2A.

A public foul sewer crosses the site and therefore Southern Water should be consulted in this respect.

Southern Water - No Objection. Informative requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class C road

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

- GEN7 The Form of New Development
- GEN9 Foul and Surface Water Drainage
- GEN12 Parking in New Development
- DEV19 Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

- D DM1 Aspects of Form and Design Quality
- D SP1 Design
- D DM2 Internal Space Standards

D DM3 External Space Standards
D DM4 Extensions & Alterations to Existing Buildings
W DM1 Water Supply & Quality
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD7 Middleton on Sea Village Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Middleton does not have an adopted Neighbourhood Plan.

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 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

The site lies within the built up area boundary where the principle of residential development is acceptable subject to compliance with development control criteria.

PLANNING HISTORY

The previous proposal related to a rear extension measuring 6.3m by 6.5m. The first floor extension extended across most of the extended ground floor and was contained within a pitched roof with an obscure glazed east facing dormer. The ridge height was 5.9m high. The application was refused for the following reason:

"By virtue of the proximity of the extension to the side site boundaries, its height and the limited garden areas and depth of adjoining dwellings it is considered the proposal represents an unneighbourly form of development which would be detrimental to the amenities of the adjoining residential properties contrary to policy GEN7 of the Arun District Local Plan."

It was considered that this application as originally submitted did not address this reason for refusal. Following negotiation the application has been amended since originally submitted by reducing the length of the first floor extension to a point that is now considered to be acceptable in terms of impact on residential amenity.

IMPACT ON CHARACTER AND VISUAL AMENITY

Planning policies and Central Government advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

The proposal is for a new dwelling extending the current single storey shop unit to the rear and providing a first floor over the front portion containing the shop which would be 2 storeys high with a pitched roof. The footprint of the resultant development would be 15.3m by 6.3m with no gap to the eastern boundary and between 1 and 2.5m to the western boundary. The dwelling would have a rear garden with provision for bin and cycle storage and car parking to the front. The distance of the shop front to the site frontage remains unaltered.

The provision of a chalet style development in this locality would be in keeping with its surroundings and the distance to site boundaries is similar to other properties to the south. The area is characterised by dwellings with limited curtilages. The proposal would not therefore appear prominent or obtrusive in the street scene.

IMPACT ON RESIDENTIAL AMENITY

The proposal would extend beyond the rear of the existing premises and would create a first floor that is directly in front of the adjoining 2 storey premises to the east which has 2 windows serving non habitable accommodation and a secondary first floor window facing onto the application site. The building is located on the boundary and the roof pitches away from the boundary. Given the length and height of the extension and the nature of the adjacent windows the loss of outlook to this property would not result in material harm.

Further since the first floor rear portion of the extension which was close to the very limited garden areas serving 1 and 2 Rose Avenue which have a depth of 4m has been removed it is considered that there would now be no materially adverse overbearing effects on these properties and their garden areas in compliance with policy GEN 7 (iv). The eaves would not project significantly above boundary fencing and the roof would pitch away above.

The dormer window in the east side elevation has been removed from the application and there are no windows proposed in the west elevation. The window in the rear which would be 6.5m from the boundary would look onto an area used for parking in Shaw Close. This means that no material loss of privacy would result to neighbouring dwellings.

COMPLIANCE WITH SPACE STANDARDS

With regard to layout Government Standards set out the minimum internal space standards for new dwellings to meet the changing needs of occupants and policy DDM3 sets out minimum private amenity space standards. However, this policy has been deleted from the emerging Arun Local Plan.

New developments are required to meet the room size guidelines. The minimum Essential General Internal floor area for a 1 bedroom 2 person 2 storey dwelling is 58 sq m. The proposed dwelling has a minimum internal floor area of 58 sq m. The bedroom floor area at first floor with limited headroom cannot be included in the calculation. The property meets this requirement.

The dwelling has a garden area of 49 sq metres and a rear garden depth of 6.5m. Together with close proximity to public open space and the seafront, the proposal is considered to possess sufficient garden space. The rear garden size and length also mirrors those of adjoining developments and the taking away of PD rights would ensure that the Council has control over the amount of rear garden space. The provision of a landscaped rear garden would improve the hardstanding area which currently occupies the rear portion of the site.

HIGHWAY CONSIDERATIONS

The layout includes a parking space on the site frontage for the residential unit and includes a shed in the rear garden for cycle parking. The reduced car parking provision and the reversing of vehicles onto Elmer Road are considered acceptable by County Highways. It would be difficult to substantiate that any

reduced or loss of parking spaces for the salon results in a significant net increase towards on street car parking pressure.

NEIGHBOURHOOD SHOP PROVISION

The site is occupied by a retail unit which is being used as a hairdressers and is to be retained. The proposal is therefore compliant with policy DEV30 of Arun District Local Plan.

CONCLUSIONS

The application is recommended for approval 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: Block, Location 010817/SL-29 C, Existing and Proposed Floor Plans 010817/SL-30 D, Elevations 010817/SL-31 D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until a

schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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 GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor in the east or west side of the roof the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District 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: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 9 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.