

Recommendation Report for Planning Permission

REF NO: M/149/18/PL

LOCATION: 7 St Nicholas Lane
Middleton on Sea
PO22 7SY

PROPOSAL: Removal of condition 2 imposed under M/112/07/ relating to annexe being used as ancillary to main dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to use of the approved annexe building for residential purposes as an independent unit of accommodation.
SITE AREA	34.1 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	293 dwellings per hectare
BOUNDARY TREATMENT	Close boarded fencing approximately 1.8m high.
SITE CHARACTERISTICS	Detached building of limited proportions with a pitched roof located at the end of the driveway close to side and rear boundaries.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached single storey dwellings of varying design.

RELEVANT SITE HISTORY

M/112/07/	Annexe 11m x 3.1m - variation to M/11/07 (distance from boundary at north west corner of annexe reduced to 500mm)	ApproveConditionally 28-11-07
M/11/07/	Demolish sub standard garage & construct annexe 11000 x 3100.	ApproveConditionally 25-04-07

Application M/112/07 granted planning permission for a detached annexe building which was subject to condition 2 which stated

"The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 7 St Nicholas Lane as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of

an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings."

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection - If the condition set by Arun District Council is removed then a separate property will be created allowing the main building or annexe to be sold/let which should not be permitted.

3 Objections

- Noise could increase if the use is not ancillary.
- Building is very close to neighbouring properties and is only acceptable on the basis that the use is ancillary.
- The annexe is not suitable of be treated as an independent dwelling, the parking at the property is insufficient as it is and impacts frequently on us accessing our driveway. If the restriction is lifted this could mean that the annexe could be sold or rented independently and increased in size. The area cannot support an increase of residents. There is insufficient space.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

Southern Water - No Objection

Drainage Engineer - No Objection. Standard condition requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The condition requested by Engineers would not be reasonable given that the proposal relates to the retention of an existing building.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICES

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

DDM1 D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

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.

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 conflict with relevant Development Plan policies in that there would be a materially adverse effect on residential amenities and the character of the 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

Policy SD SP2 of Arun Local Plan states development should be focused within the Built Up Area Boundary 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 and guidance within the National Planning Policy Framework.

Policy D DM1 requires the Council to have regard to the following aspects:

1. Character
2. Appearance/attractiveness
3. Impact

Paragraph 11 of National Planning Policy Framework (NPPF) refers to the need for decisions to 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

There are no external changes proposed so the appearance of the property is not altered and there would be no impact on the street scene. The building is located within the garden area of the host dwelling and has no parking or garden area. It is located behind the dwelling and the windows and patio doors face over the garden of the host dwelling.

The proposal would result in an independent unit of residential accommodation which would increase the density of units within what is a single dwelling house and garden. The density of development is excessive and out of keeping with the area generally which comprises a mix of single dwellings with gardens. The increased demand for parking and activity levels which would result from independent use of the annexe would adversely affect the intensity of use and character of the area.

The proposal would result in a cramped form of development which would be harmful to the character of the area. There would be no meaningful space to provide any landscaping to soften the development from the road frontage and all other dwellings in the area have some garden area.

As such, it is considered that the proposed use would result in an overdevelopment and would not comply with Policy D DM1 (1) and (13) of the Arun Local Plan.

RESIDENTIAL AMENITY AND SPACE STANDARDS

The new independent dwelling would be in close proximity of 2 adjacent residential curtilages with no garden area or outside space of its own. There would be no meaningful space to provide any landscaping to soften the development or provide a buffer to adjoining properties. If boundary fencing was provided along the side elevation of the unit to separate it from the host dwelling's garden there would be no outlook for residents and all habitable room windows face onto it.

There would be no outdoor space for occupiers of the property to use for sitting out/drying clothes/bin storage. The driveway in front of the unit would serve the existing dwelling and occupiers would have no usable outside private space to meet the day to day needs of any occupiers. This lack of any suitably located private amenity space is considered to have an unacceptably adverse effect on the amenity of existing or future occupiers of the site in conflict with paragraph 127 of the NPPF.

The proposed 1 bedroom unit would be of insufficient size to meet the minimum requirements of the Nationally Described Space Standards which requires 37 square metres gross internal floor area for a single storey 1 bedroom, 1 person flat. The proposal provides just 27 square metres. As such, it is considered that the proposal would not comply with Policy D DM2 of the Arun Local Plan and provide an unacceptable standard of accommodation for a separate dwelling.

As such it is considered that the proposal would not comply with policy D DM1 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.

The site is sustainably located close to bus routes in Elmer Road. The existing use of the property as a single dwelling generates car parking demand which is provided for as a driveway in front of the annexe. Given the limited footprint of the annexe it would be unlikely to generate any more than demand for a further car parking space. The lack of car parking is unlikely to result in unacceptable levels of on-road parking demand or to 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.

SUMMARY

It is recommended that the planning 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 (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 Having regard to the limited area of the site and its relationship to existing residential

properties the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality and future residents in conflict with policy DDM1 of Arun Local Plan.

- 2 Having regard to the size and position of the dwelling and the limited area of the site the development would be damaging to the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character of the surrounding residential area, contrary to policies DSP1 and DDM1 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.
- 3 Given the limited floor area and lack of external amenity space the proposal would cause serious harm to the living conditions of existing and future residents. It therefore conflicts with policy DDM2 of the Arun Local Plan and the National Prescribed Space Standards.
- 4 **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.