

Recommendation Report for Planning Permission

REF NO: M/7/21/PL

LOCATION: 76-78
Elmer Road
Middleton-On-Sea
PO22 6EX

PROPOSAL: Change the roof & build 1 No. flat above existing flat. This application may affect the setting of a listed building and is in CIL Zone 4 (Zero Rated) as flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	To create a flat in a new roof above an existing flat.
SITE AREA	145 sq.m.
BOUNDARY TREATMENT	A wood panelled fence to the rear boundary of the property.
SITE CHARACTERISTICS	A shop with flat above in a small shopping parade in Middleton.
CHARACTER OF LOCALITY	A small shopping parade set in a residential area.

RELEVANT SITE HISTORY

M/85/20/PL	Replace existing cladding with grey/black, replace windows on first floor front elevation, replace existing door, reduce retail area & increase residential area. This site is in CIL Zone 4 (Zero Rated) as other development & may affect the setting of a listed building.	ApproveConditionally 21-01-21
------------	---	----------------------------------

The shop and residential flat were renovated resulting from a planning application submitted last year.

REPRESENTATIONS

Middleton Parish Council objected to the application on the following grounds;

- Out of character with the street scene
- Overall mass, height and scale is out of keeping with surrounding properties
- Overdevelopment of the site
- Proposed development will impinge on the privacy of adjoining premises
- The application should be declined to protect the amenities of adjoining properties
- The proposed development is overbearing
- The proposed development is unneighbourly
- Approval of this application will set a precedent in respect of future planning applications
- The photograph show with regard to the dropped kerb is not correct, it does not show the erection of six flats next door. The roof of these flats are virtually touching the existing flat roof

4 letters of objection were received from neighbouring properties on the following grounds;
out of character
loss of privacy
loss of light
overlooking

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - No objection

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN

DEVELOPMENT PLAN POLICIES

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

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

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.

Middleton does not have a 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 there is insufficient parking and the proposed building would be out of character with existing development

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The key policies are D SP1 and D DM1 of the Arun Local Plan and Policies 1 and 2 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 of the Arun Local Plan - Design states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The main issues are whether or not the development would be out of character and overly dominate neighbouring dwellings, whether or not the balcony would significantly overlook neighbouring dwellings and the provision of sufficient parking for the development

The three storey development would be out of character with neighbouring dwellings in particular no. 74 which is a chalet bungalow. It would overly dominate no.74 Elmer Road.

Arun Design Guide Part M requires that the roofs of extensions must preserve neighbouring amenity by avoiding designs which result in excessive visual intrusion. This roof is considered to cause excessive visual intrusion over dominating the neighbouring property

The property at 74 Elmer Road has the same building lines as the application property and only has windows looking forward and back. For this reason it is not considered to be caused a significant loss of light or overbearing impact by the proposed development.

The balcony to the rear will predominantly overlook the front elevations of properties on Shaw Close which is considered acceptable in terms of residential amenity. In the event of an approval an obscure glazed screen could be conditioned to the western elevation of the balcony which would prevent overlooking toward no.74 Elmer Road..

TRANSPORT AND PARKING

The current parking demand for the property is 4/5 spaces with an available 3 spaces at the front of the building. The proposed new flat would generate an additional requirement for 2 more spaces which could not be met which would lead to an unacceptable amount of on street parking in the vicinity of the development

HERITAGE

Under S72 of the Listed Buildings and Conservation Areas Act special regard is to be had the desirability of preserving the listed building or its setting .

The proposed development would affect the setting of a Listed Building, Kettle House 50 metres to the east of the proposed development.

In accordance with paragraph 190 of the NPPF it is necessary for the LPA to consider the significance of any designated heritage asset that may be affected by the proposals. In this case the application site is situated in close proximity to a Grade II Listed Building.

The Conservation Officer has assessed the effect of the proposed development as not harming the setting of the Listed Building.

Policy HER DM1 requires that development should protect and where possible enhance the setting of the listed buildings. It is considered that the proposal protects the setting of the listed building as it uses materials which are in character with the surrounding area.

SUMMARY

The development fails to comply with the Local Development Plan and is recommended for refusal 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 The proposed flat has no parking provision and would not be in accordance with the Arun Parking Standards SPD and policy T SP1 of the Arun Local Plan.
- 2 The proposed extension to the roof would be out of character with the existing area overly dominating the neighbouring property at 74 Elmer Road contrary to policy D DM1 of the Arun Local Plan and part M of the Arun Design Guide
- 3 **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(s) 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.