

Recommendation Report for Planning Permission

REF NO: M/86/17/PL

LOCATION: 74 Elmer Road
Middleton on Sea

PROPOSAL: Retention of salon, erection of first floor extension & two storey rear extension to create 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to a rear extension measuring 6.3m by 6.5m. The first floor extension would extend across most of the extended ground floor and would be contained within a pitched roof with an obscure glazed east facing dormer. The ridge height would be 5.9m high. The materials of the extension are not specified.

SITE AREA

212 sq m

RESIDENTIAL DEVELOPMENT DENSITY (NET) 47 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance 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/42/55/A	O/A for office & shop	ApproveConditionally 21-01-1959
M/42/55/B	Office	Approve 20-01-1960
M/42/55/C	Two garages	Approve 17-02-1960
M/42/55/D	Alterations for approved plan for office new garage and access	Approve 15-06-1960
M/42/73	Use as Veterinary Surgery	ApproveConditionally 06-06-1973
M/5/75	Change of use from Veterinary Surgery to retail Florists and Garden Shop	ApproveConditionally 23-04-1975

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Consultations responses received:

Drainage Engineer - No Objection. Condition requested.

Southern Water - It appears that the developer is intending to build over to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. However, under certain circumstances building over a sewer may be allowed. The conditions associated with the buildover to a sewer are contained in Southern Water guidance notes which are available at: www.southernwater.co.uk. A formal application to build over to the sewer will be required to be submitted by the applicant.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example: "The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewer."

A suitably worded condition is requested.

County Highways - No Objection. The application form states that two spaces exist at present and three will be provided. The rear garage will no longer be accessible due to the extension works and will be removed and replaced with a garden/yard area. Only one car parking space,

allocated to the residential unit, has been annotated on the plans provided which will be accessed via an existing point of access onto Elmer Road.

While the Local Highway Authority has no concerns with the continued use of this access point to serve a parking space for the residential unit there is concern that the location of this space obstructs the extent of publically maintained highway in this location.

The parking space as annotated can be pushed back into the site and therefore the precise location of the parking space should be secured via planning condition. One car parking space would be considered appropriate to meet the needs of a flat of this size in this location.

An appropriate cycle storage provision has been indicated on the proposed plans. Based on the assessment of parking above it seems that the Salon use would lose its off street car parking provision as a result of these works. The Local Planning Authority would be advised to consider the amenity implications of this upon on street car parking within the vicinity of the site.

The Local Highway Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. Conditions relating to car and cycle parking would be advised.

Comments on Consultation responses:

- comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
GEN9
GEN12

Publication Version of the Local
Plan (October 2014):

The Form of New Development
Foul and Surface Water Drainage
Parking in New Development

D DM1 Aspects of Form and Design
Quality
D SP1 Design
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
W DM1 Water Supply and Quality
W DM3 Sustainable Urban Drainage
Systems

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 conflict with relevant Development Plan policies in that it would

have a materially adverse effect on the residential amenities of the adjoining 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 site lies within the built up area boundary where the principle of residential development is acceptable subject to compliance with development control criteria.

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 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 space 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 primary first floor windows facing onto the application site. The building is located on the boundary and although the roof would pitch away from the boundary the loss of outlook to this property would result in material harm.

Further the rear portion of the extension would be only 1m from the boundary and adjacent to the adjoining very limited garden areas serving 1 and 2 Rose Avenue which have a depth of 4m. It is considered that the proximity to the boundary combined with the height of the proposal and the limited adjacent garden length and size would result in materially adverse overbearing effects on these properties and their garden areas in conflict with policy GEN 7 (iv).

The window in the east elevation is to be obscure glazed 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. New developments are required to meet the guidelines. The minimum Essential General Internal floor area for a 2 bedroom 4 person 2 storey house is 79 sq m. The proposed dwelling has a minimum internal floor area of 87m². The bedroom floor area at first floor with limited headroom cannot be included in the calculation. The property meets this requirement.

Policy DDM3 requires 2 bedroom detached 2 storey dwellings to have a rear garden area of 85 sqm. The dwelling has a garden area of 49sq metres. The minimum rear garden depth of 10m is also not met and is only 6.5m. The proposal does not meet these standards and whilst refusal of the application solely on these grounds would be inappropriate given that the Plan has not yet been adopted it does indicate that the rear garden areas are small. However the rear garden size and length 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 development is considered to be acceptable and to have no materially adverse impact on the character of the area in relation to these standards. 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 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 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.
- 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(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.