

Recommendation Report for Planning Permission

REF NO: R/119/21/PL

LOCATION: 26 Pigeonhouse Lane
Rustington
BN16 2AZ

PROPOSAL: Conversion of existing double garage into holiday let accommodation replacing the existing shed with a conservatory. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the conversion of an existing double garage into holiday let accommodation replacing the existing shed with a conservatory.
SITE AREA	0.004 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Boundary treatments are generally open with front gardens laid to lawn with low lying planting.
SITE CHARACTERISTICS	The application site comprises a detached bungalow and a garage at the rear which is the subject of this application. The property has a generous drive that can accommodate up to 4 cars. The front of the property has an laid to lawn with some mature trees.
CHARACTER OF LOCALITY	The area is predominantly residential in character. The housing stock comprises detached bungalows and chalet bungalows with spacious, verdant front gardens with drives. Rear gardens are generally shallow in depth. Residents tend to park within their drives and Pigeonhouse Lane which is a private road is left free of cars.

No relevant recorded planning history.

REPRESENTATIONS

No representation received.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH

No objection. Conditions have been recommended relating to asbestos removal and hours of construction.

WSCC HIGHWAYS

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. If the Local Planning Authority (LPA) is minded to approve the application, the LHA advise that conditions securing car parking and cycles storage are applied.

RUSTINGTON PARISH COUNCIL

No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site: the site is within the built-up area boundary.

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
------	------------------------------------

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
SPD13	Arun District Design Guide (SPD) January 2021

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.

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."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

The proposal is considered to comply with relevant Development Plan policies in that it is acceptable in principle and with respect to design, amenity, access and highways and parking.

CONCLUSIONS**PRINCIPLE**

Policy SD SP2 states that development should be focused within the Built Up Area Boundaries and will be permitted subject to consideration against other policies of this Local Plan.

Policy TOU DM1 states that: "Excepting Permitted Development Rights or Local / Neighbourhood Development Orders, existing visitor attraction, facilities and accommodation (excepting camping and caravan sites) will not be granted planning permission for a change of use that leads to the loss of a visitor offer unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped from visitor purposes.

The proposed development is within the Built Up Area Boundaries and would be a change of use that would not lead to the loss of a visitor offer. Therefore, the principle of development is acceptable.

DESIGN

The existing garage has a pitched roof and a garage door and an adjoining shed on the south elevation. A number of alternations are proposed to the garage to convert it into holiday accommodation: the shed is to be replaced with a conservatory of a similar size; installation of two rooflights in the north elevation; installation of solar panels to the roof on the south elevation; replacement of the garage door within an

entrance door and a two windows in the front elevation; and replacement of a single large window with two smaller windows in the rear elevation.

The alterations would not harm the appearance of the garage and would make the building fit for purpose.

The proposal would accord with policies D SP1, D DM1, D DM2 and D DM4 of the Arun Local Plan and the Arun District Design Guide 2021.

AMENITY

The proposed alterations to the garage would not result in any amenity issues for the donor property or neighbouring residential occupants in terms of loss of light, outlook and privacy because the conservatory which is to replace the existing shed would of a similar size and because views from the proposed rooflights from the ground floor of the converted garage would not be possible to neighbouring properties.

As such the proposal would accord with policy QE SP21.

ACCESS AND HIGHWAY MATTERS

The application site benefits from two vehicular accesses, one off Pigeonhouse Lane and the other via Hudson Drive. The proposed plans do not indicate any alterations to the existing access points. The Highway Authority has carry out an inspection of data supplied to WSCC by Sussex Police over a period of the past five years that reveals that there have been no recorded injury accidents at the access point with Hudson Drive. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. This proposal is not anticipated to result in a material intensification of use onto Hudson Drive or the wider road network. The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network,

Therefore, the proposal would accord with policy T SP1 and T SP3.

PARKING

The application form states that the existing parking of 2 spaces will be retained, however it is unclear if some of this will be allocated to the proposed holiday let use. Arun parking standards do not include standard for holiday let. Under the WSCC Parking Guidance (updated August 2019), there is no longer a standard for holiday let use. Within the previous WSCC Car Parking Standards the anticipated parking demand for holiday let use is one parking space per bedroom. There is space for additional parking within the site curtilage, therefore, additional car parking space can be accommodated for the holiday accommodation.

In order to promote sustainable transport modes over the use of a private car, the LHA advise that cycle storage is provided within the site. There is also space within the curtilage to provide cycle storage, this will be secured via a condition.

Therefore, the proposal would accord with policy T SP1 and the Arun Parking Standards.

WASTE MANAGEMENT

The addition of this holiday let accommodation is not considered to significantly increase the amount of

residential waste. In any event the curtilage could accommodate an additional waste and recycling bins. The existing arrangement of kerbside collection would remain unchanged.

It is considered that the proposal would accord with policy WM DM1 with respect to waste management.

HUMAN RIGHTS ACT

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.

CIL DETAILS

This site is in CIL Zone 4 (Zero Rated) and therefore it not liable for CIL.

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:

Location Plan; Block Plan; Existing and Proposed South Elevation; Existing and Proposed North Elevation; Existing and Proposed Rear Elevation; Existing and Proposed Front Elevation; Existing Floor Plans; and Proposed Floor Plans. (All received 04/06/2021).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy QE SP1 the Arun Local Plan.

- 3 No demolition / construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 4 As the proposed development is being rebuilt following demolition of existing structure, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 5 The development hereby permitted shall be finished in the materials stated in the application.

Reason: In the interests of amenity in accordance with policy D SP1 of the Arun Local Plan..

- 6 Before first occupation of the development hereby permitted secure cycle storage shall be provided for the occupants of the holiday let accommodation.

Reason: In the interests of sustainable travel in accordance with policy T SP1 of the Arun Local Plan.

- 7 Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order. The property shall not be occupied by any persons for a total period exceeding 28 days. The owner shall maintain a register of occupiers for each calendar year which shall include:

- 1) The full names, permanent address and contact telephone numbers of all the person (s) occupying the premises; and
- 2) The start and end date of the stay and the purpose of the stay.

The register shall be made available for inspection by the Local Planning Authority at any time.

Reason: The building is considered to be unsuitable in size to be a permanent dwelling and occupation as a dwelling would result in an unsatisfactory relationship with the main dwelling. In accordance with Arun Local Plan policies D DM1 and D DM2 and the National Design Guide.