

Recommendation Report for Planning Permission

REF NO: R/270/18/PL

LOCATION: Palm Cottage
62 Ash Lane
Rustington
BN16 3BT

PROPOSAL: Convert existing garage/studio to 1 bed short term holiday let & fence off section of garden to form amenity space (resubmission following R/284/17/PL). This application affects the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the conversion of the existing garage into a self contained one bedroom holiday unit. The unit would comprise a bathroom, 1 bedroom and combined kitchen/dining/lounge area. The proposal includes a garden area and provision of 13m length of 1.8m close boarded fencing within the garden area.
SITE AREA	171 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint and brick wall approximately 1.2m in height, to frontage onto Ash Lane. Site well screened by established trees and mature shrubs to rear, with domestic fence.
SITE CHARACTERISTICS	Prominent plot to busy road frontage and T-junction. C18 two storey Grade II Listed Building faced with cobbles with red brick dressings, quoins and modillion eaves cornice. Hipped brown tiled roof. Casement windows. C19 gabled hood.
CHARACTER OF LOCALITY	Residential, on edge of local shopping centre. Surrounding properties of various designs and styles.

RELEVANT SITE HISTORY

R/284/17/PL	Convert existing garage/studio space into a 2 bed. short term holiday let. Removal of small section of existing flint wall to the section adjoining the garage (approx 3m) to create garden access & off road parking - This application affects the setting of a Listed Building	Refused 08-03-18
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This application has been submitted to address the previous reasons for refusal which were:

- The proposed removal of the flint boundary walling is considered to be detrimental to the character and appearance of the Grade II Listed Building, Palm Cottage and its setting, to the detriment of its special architectural and historic interest contrary to policy HER DM1 of the emerging Arun Local Plan 2011-2013 and the National Planning Policy Framework.

- The proposed holiday let accommodation would represent a cramped form of development which would not meet the Nationally Described Space Standards minimum gross internal floor area for a 2 bedroom unit and would also as a result be out of keeping with the character of the area. The proposal therefore conflicts with policies GEN7 and DEV34, Policy 2 of Rustington Neighbourhood Plan and the National Planning Policy Framework.

This proposal has reduced the number of bedrooms to one, provided a 5m by 13m garden area to the unit and retains the existing flint walling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site: Within Built Up Area Boundary
Class B Road
Listed Building Grade II

DEVELOPMENT PLAN POLICES

TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
WDM1	W DM1 Water supply and quality
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

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.

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.

Policy 2 Housing Design of Rustington Neighbourhood Plan is considered relevant to determination of this application.

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 not have a materially adverse effect on the visual amenities of the locality or an adverse impact upon the established character of the surrounding area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Grade II Listed Building.

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 is located within the built up area boundary where conversion of the existing garage to ancillary residential use, albeit for holiday purposes is acceptable in principle subject to compliance with relevant planning policies. In this instance the main criteria against which the application will be assessed is that within policies DDM1, DDM4 and TOU DM1 of the Local Plan, and the Nationally Prescribed Space Standards.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

The proposal represents conversion of the existing garage and does not include any extensions to it. The appearance of the building would be improved by the fenestration alterations proposed and ancillary residential use would be in keeping with the character of the area. The proposal includes additional fencing within the rear garden, which would not be readily visible from outside the site. The building is situated on a prominent plot facing a busy approach road to the local shopping area.

The accommodation comprises a one bedroom unit and it is considered that the proposal does not result in a cramped form of development and is in keeping with the general more spacious residential character of the area. It is recognised that the proposal is for ancillary accommodation, but the unit would not share any accommodation with the host property. It is considered that the proposal would be in keeping with the general pattern of development in the locality, the building is set back from the road frontage and located to the side of the existing dwelling its conversion would accord with policy DDM1 of the Local Plan and Rustington Neighbourhood Plan Policy 2.

RESIDENTIAL AMENITY

Whilst the garage is located immediately adjacent to 56 Ash Lane to the south, the levels of activity generated by the proposed unit would not be significant given that the unit does not overlook any neighbouring properties, only has a single bedroom and is unlikely to have more than 2 occupiers at any time and that residential use would not be continuous. Traffic noise from parking and vehicle movements already exists in this area and the unit is adjacent to the access to the neighbour's garage.

The alterations to the front elevation of the building would be acceptable, but the only other openings to the unit are in the north side elevation which faces onto the applicant's garden. This relationship is acceptable given the separately defined garden area. It would not result in adverse overlooking of the garden area or compromise the privacy of the applicant's property.

INTERNAL SPACE STANDARDS

The proposal accords with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 50 m² for a single storey 1 bedroom 2 person dwelling. The internal floor area is 51 sqm. The proposal therefore provides a satisfactory living environment for the occupiers and would not adversely affect their residential amenity.

HIGHWAYS AND PARKING

The access to the site would remain as existing and there is sufficient parking within the parking area of the host dwelling.

TOURISM

The proposal is considered acceptable in terms of its location close to existing village facilities including shops/pubs and restaurants, the seafront, bus services and the transport network. Since there would be a no adverse impact on the character of the area the proposal would comply with policy TOU DM1 of the Local Plan.

CONCLUSIONS

The application is therefore 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: Location, 2376/01/02 Floor Plan and Block Plan submitted on 14-01-2019, and 2376/01/01 Plans and Elevations as existing 2376/01/01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 Notwithstanding the provision of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (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, without the prior permission of the Local Planning Authority. 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, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
- 2) The start and end date of the stay and the purpose of the stay. It shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: To accord with policies TOU SP1, TOU DM1 and DDM1 of the Arun 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.

- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.