

Recommendation Report for Planning Permission

**REF NO:** R/284/17/PL

**LOCATION:** 62 Ash Lane  
Rustington  
BN16 3BT

**PROPOSAL:** 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

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| <b>SITE AND SURROUNDINGS</b> |
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|                                       |                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above. The proposal relates to the conversion of the existing garage into a self contained two bedroom holiday unit. The unit would comprise a bathroom, 2 bedrooms and combined kitchen/dining/lounge area. The proposal includes a parking space but no cycle parking or garden area and includes the removal of a 3m length of flint wall. |
| SITE AREA                             | N/A                                                                                                                                                                                                                                                                                                                                              |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                                                                                                                                                                              |
| 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.                                                                                                                                                                                                                                             |

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| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|          |                                                            |                                  |
|----------|------------------------------------------------------------|----------------------------------|
| R/276/63 | Car Port                                                   | ApproveConditionally<br>10-02-64 |
| R/124/73 | Removal Of Existing Garage & Construction Of Double Garage | ApproveConditionally<br>25-05-73 |

|           |                                                                                                                                                                   |                                  |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| R/80/08/  | Two storey side elevation & single storey rear extension with new covered verandah area                                                                           | Refused<br>13-05-08              |
| R/187/00/ | Conservatory - timber fence above existing boundary wall plus replace gateway with matching wall - internal privacy wall and addition to side of existing garage. | ApproveConditionally<br>06-03-01 |
| R/120/97  | Garage                                                                                                                                                            | ApproveConditionally<br>07-11-97 |

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Rustington Parish Council  
No Objection

### COMMENTS ON REPRESENTATIONS RECEIVED:

None

## CONSULTATIONS

Arboriculturist  
Conservation Officer

### CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Objection  
Whilst the proposed conversion of garage to holiday let would not in itself be harmful (it already houses a gym and has full-height French windows etc ), the removal of the flint wall, which I presume to be listed and part of the original house would be resisted. The requirements for the airbnb - eg extra parking etc, may harm the setting, although that's fairly marginal.

### COMMENTS ON CONSULTATION RESPONSES:

- comments noted

## POLICY CONTEXT

Designation applicable to site:  
Within Built Up Area Boundary  
Class B Road

Listed Building Grade II

## DEVELOPMENT PLAN POLICES

### Arun District Local Plan (2003):

|       |                                       |
|-------|---------------------------------------|
| GEN7  | The Form of New Development           |
| GEN12 | Parking in New Development            |
| DEV34 | Tourist Accommodation and Attractions |
| GEN32 | Noise Pollution                       |

### Publication Version of the Local Plan (October 2014):

|         |                                                |
|---------|------------------------------------------------|
| TOU DM1 | Tourism Related Development                    |
| W DM1   | Water Supply & Quality                         |
| D DM1   | Aspects of Form and Design Quality             |
| D DM4   | Extensions & Alterations to Existing Buildings |
| HER DM1 | Listed Buildings                               |

### 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 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 Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

## 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).

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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 conflict with these criteria in that it is 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 DEV34 and GEN7 of Arun District Local Plan and the corresponding policies in the Emerging 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. However the removal of a 3m section of the flint walling to facilitate additional car parking would not be acceptable and would damage the character and setting of the listed building and the character of the area by removing a historic boundary demarcation which provides definition to the site and contributes to the appearance of the area generally. The building is situated on a prominent plot facing a busy approach road to the local shopping area and the walling is visible from public view.

Further it is considered that the proposal results in a cramped form of development which would be out of keeping with the general more spacious residential character of the area. Whilst it is recognised that the proposal is for ancillary accommodation the unit would not share any accommodation with the host property. It is therefore considered that the proposal would be out of keeping with the general pattern of development in the locality in conflict with policy GEN7(ii) 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 two bedrooms, is likely to have a maximum number of 4 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 not acceptable if the building is to be used for holiday accommodation. It would result in adverse overlooking of the garden area and would compromise the privacy of the applicant's property. However, in the event that the proposal was recommended for approval a condition concerning boundary screening could be imposed to overcome such an objection.

#### **INTERNAL SPACE STANDARDS**

The proposal does not accord with the Nationally Described Space Standards. This requires a minimum gross internal floor area of 61 m<sup>2</sup> for a single storey 2 bedroom 3 person dwelling. For a 4 person unit it would be 70 sqm. The internal floor area is 51 sqm significantly less than required. Although the unit could be controlled to ensure that occupation is not for more than 28 consecutive days the floor area of the accommodation is very limited and is significantly short of the prescribed standard. Further, the property has no separate outside amenity area. However the site is close to the seafront and it is unlikely that the proposed holiday use would generate a need for outside seating and clothes drying areas. The proposal therefore provides an unsatisfactory living environment for the occupiers and would adversely affect their residential amenity.

#### **HIGHWAYS AND PARKING**

The access to the site would remain as existing. The additional car parking proposed is unacceptable given that it would be achieved by removal of a section of listed walling.

#### **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. However since there

would be an adverse impact on the character of the area the proposal would conflict with policy DEV34 of the Local Plan and policy TOU DM1 of the Emerging Local Plan.

## CONCLUSIONS

The application is therefore recommended for refusal for the following reasons

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### 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 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.
- 2 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.
- 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.