

Recommendation Report for Planning Permission

REF NO: R/58/20/PL

LOCATION: Palm Cottage
62 Ash Lane
Rustington
BN16 3BT

PROPOSAL: Alterations of layout to holiday let and provision of shed. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to amend the details of the converted garage approved under R/270/18/PL. The application relates to changes which have taken place to the building which did not form part of the original approval which includes external changes comprising insertion of 1 window on the West elevation in place of 2 approved and the replacement of a door with a window on the North elevation. Internally the room layout has changed and an additional bedroom has been created with the loss of the lounge to provide better holiday accommodation for a family.
SITE AREA	The proposal also includes the addition of a garden shed. 171 sq m
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/270/18/PL	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.	ApproveConditionally 18-01-19
-------------	--	--

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

Application R/270/18/PL satisfactorily addressed the previous refusal by reducing the number of bedrooms to one, providing a 5m by 13m garden area to the unit and retaining the existing flint walling.

REPRESENTATIONS

Rustington Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Class B Road

Listed Building Grade II

DEVELOPMENT PLAN POLICIES

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

TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
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.

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 and the principle of conversion of the existing garage to ancillary residential use, for holiday purposes has already been accepted and approved. In this instance the main criteria against which the application will be assessed is that within policies D DM1, D DM4, HER DM1 and TOU DM1 of the Local Plan, the Nationally Prescribed Space Standards, NPPF and policy 2 of Rustington Neighbourhood Plan.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE AREA

Conversion of the existing garage for holiday accommodation has already been approved. The external changes included within this application relate to changes to a door and windows and the provision of a shed. The changes do not adversely affect the appearance of the building. The shed is not readily visible from outside the site.

The impact of the unit on the character of the area has previously been considered acceptable and is unaltered. It is recognised that the proposal is for ancillary accommodation, but the unit would not share any accommodation with the host property. The building is set back from the road frontage and located

to the side of the existing dwelling. The unauthorised elevational changes and provision of a shed would accord with policy D DM1 of the Local Plan and Rustington Neighbourhood Plan Policy 2. The external changes included in this application are not readily visible in the street scene and have no detrimental impact on the appearance or design of the garage building and are in compliance with these policies.

RESIDENTIAL AMENITY

The garage is located immediately adjacent to 56 Ash Lane to the south, but it has previously been determined that the levels of activity generated by the proposed unit would not be significant. It does not overlook any neighbouring properties and the use is controlled by condition to ensure it is not continuous. The floor area is also limited which would limit the number of occupiers at any one time. 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 and is unaltered by the proposal.

The alterations proposed relate to the front elevation of the building and 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

In terms of the residential amenity of occupiers the proposal no longer accords with the Nationally Described Space Standards. The internal layout has been altered to provide 2 bedrooms and the lounge is now combined with the kitchen. A single storey 2 bedroom unit requires 61 sqm floor area for 3 person occupation. The internal floor area is 51 sqm. The proposal therefore does not provide satisfactory living environment for permanent occupation, but it is considered acceptable in this instance, since the use is restricted to holiday accommodation by condition 3 of planning permission R/270/18/PL and occupation of the property is also restricted to a total period not exceeding 28 days. Any adverse impacts on residential amenity are therefore limited.

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 original proposal was 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 the proposal still provides tourist accommodation it would accord with this policy and there would be no adverse impact on the character of the area the proposal would comply with policy TOU DM1 of the Local Plan.

IMPACT ON HERITAGE ASSET

The application includes a heritage statement as required by paragraph 189 of the NPPF and in accordance with para 190 the comments of the Conservation officer have been sought and considered.

The garage building the subject of this application is located within the grounds of the Listed Cottage. Given that the external changes to the building are the same style as existing fenestration details it is not felt that they materially affect the adjacent listed cottage or its setting. There is no physical connection between the garage building and the host listed cottage and they are separated by a distance of 18.8m. The flint walls defining the drive are unaffected and remain as original.

1.8m fencing was erected as approved and is maintained providing mutual privacy to the 2 buildings. This type of fencing is to be expected in any garden and is not considered to have a detrimental impact on the listed building or its setting. The house already has wooden fencing to the Northern garden and

road frontage.

A garden shed was erected within the holiday accommodation area and this application seeks to regularise that inclusion. As it is a standard "off the shelf" garden shed that can be found in any garden it is not overly dominant within the listed building setting and does not detracts from the setting.

The proposal does not therefore adversely impact on the conservation of the heritage asset or its setting or result in harm and accords with policies HER DM1 and HER SP1 of Arun 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 approved shall be carried out in accordance with the following approved plans:
Location Plan 2376
Floor and Block Plan 2376/02/02
Plan and Elevations Existing and Proposed 2376/02/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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 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.

- 3 **INFORMATIVE:** This permission relates to the changes to the approved layout and west and north elevations and the provision of a shed only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number R/270/18//PL remain in force and must be complied with.