

Recommendation Report for Planning Permission

REF NO: WA/36/21/PL

LOCATION: 3 Orchard Crescent  
Arundel Road  
Fontwell  
BN18 0SD

PROPOSAL: Rear extension, attic conversion & conversion of shop front to form part of single residential dwelling. This site is in CIL Zone 2 & is CIL Liable as new dwelling.

**SITE AND SURROUNDINGS**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | <p>This planning application is for the enlargement of an existing single storey rear extension and the conversion of the loft and the installation of roof-lights.</p> <p>The applicant is also proposing to change the use of the shop to residential and to achieve this through permitted development rights.</p>                                                                                                                                                        |
| SITE AREA                  | 175 square metres.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                               |
| BOUNDARY TREATMENT         | Site boundaries consist of high hedges in the rear garden. The front of the property opens onto on-plot parking bays which serve the parade of shops.                                                                                                                                                                                                                                                                                                                        |
| SITE CHARACTERISTICS       | The site comprises a two storey semi-detached property, with a single storey rear extension, with an empty retail unit on the ground floor and residential accommodation to the rear of the retail unit at the ground floor and on the first floor. The property has a long rear garden.                                                                                                                                                                                     |
| CHARACTER OF LOCALITY      | The property is situated in a predominately residential area of Fontwell, fronting onto Orchard Crescent and facing Arundel Road. The property forms part of a commercial parade (Orchard Crescent) with retail units on the ground floor, with residential accommodation at first floor and to the rear of the retail units on the ground floor. There are two vacant retail units (including the application site) and two occupied retail units in the commercial parade. |

**REPRESENTATIONS**

WALBERTON PARISH COUNCIL:  
No objection

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

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| <b>CONSULTATIONS</b> |
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**CONSULTATION RESPONSES RECEIVED:****ADC DRAINAGE:**

No objection.

The application is within the Lidsey Treatment Catchment, therefore surface water drainage design should be carefully considered and infiltration must be fully investigated. A surface water drainage condition is requested.

**SOUTHERN WATER:**

No objection.

A formal application is required for any new connection to the public foul sewer to be made by the developer. Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternate means of draining surface water from this development are required. It is possible that a sewer now deemed to be public could be crossing the site. Should any sewer be found during construction works, an investigation of the sewer would be required to ascertain its ownership before further works commence on site.

**ADC ENVIRONMENTAL HEALTH:**

No consultation response was submitted.

**ADC ECONOMIC DEVELOPMENT:**

No comment to make on this application.

**COMMENTS ON CONSULTATION RESPONSES:**

All planning related comments are noted and covered in the Conclusions section of this report.

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:

Inside the Built-up Area Boundary (BUAB) of Fontwell in the Arun Local Plan and Walberton NP2.

Within a sharp sand and gravel mineral safeguarding area in the West Sussex Joint Minerals Local Plan (JMLP).

**DEVELOPMENT PLAN POLICIES**

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

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1   | D SP1 Design                                            |
| SDSP2  | SD SP2 Built-up Area Boundary                           |
| WDM2   | W DM2 Flood Risk                                        |
| RETSP1 | RET SP1 Hierachy of Town Centres                        |
| RETDM1 | RET DM1 Retail development                              |

TSP1 T SP1 Transport and Development

[Walberton Neighbourhood Plan Policy 2019-2031  
GA3](#)

Car Parking

Walberton Neighbourhood Plan Policy 2019-2031  
HP1

Built up boundary (BUAB)

Walberton Neighbourhood Plan Policy 2019-2031  
HP13

Design Guidance

Walberton Neighbourhood Plan Policy 2019-2031  
HP6

Housing mix and construction

Walberton Neighbourhood Plan Policy 2019-2031  
VE7

Surface Water Management

**PLANNING POLICY GUIDANCE:**

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11 Arun Parking Standards 2020

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, The South Inshore & South Offshore Marine Plan 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 revised Walberton Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

**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 TCPA 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, 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 proposed development, which is located within the built-up area boundary (the BUAB) complies with

relevant policies in the Development Plan.

## **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 key policy considerations in the determination of WA/36/21/PL are Policy D DM4 of the Arun Local Plan (2011-2031) which deals with extensions and alterations to existing buildings (residential and non-residential); and the proposed change of use from commercial (Use Class E: which includes shops) to residential use (Use Class C3) and Policies RET DM1 (4) and Policy RET SP1 of the Local Plan which deal with the retention of retail uses and the new permitted development rights introduced on 1st August 2021.

### **PROPOSED CHANGE OF USE TO RESIDENTIAL DEVELOPMENT (USE CLASS C3)**

Policy RET DM1 (4) states that change of use from retail will not be permitted for shops which are located outside the defined centres unless where proven not to be viable or where alternative commercial uses have been explored; and this is further supported by Policy RET SP1 which acknowledges that shopping parades form an important resource for businesses, visitors and residents.

However, the Government has introduced a new permitted development right, which came into force on 1st August 2021, that allows the change of use from commercial, business and service use (Use Class E: which includes shops) to residential use (Use Class C3). Consequently, planning permission is not required for the change of use of the shop to residential use at 3 Orchard Crescent, in Fontwell. The shop front would remain as existing but the front door / sidelight would be changed (as these are in poor condition) and the security grills would be removed as they would no longer be required.

### **DESIGN AND APPEARANCE**

Chapter M of the Arun Design Guide, January 2021, says that single storey rear extensions which are less visible from the street, tend to be less visually obtrusive than side or rear extensions. Certain single storey rear extensions will fall under permitted development rights. Rear extensions can have significant impacts on neighbouring amenity in terms of privacy and overshadowing, particularly in terraced dwellings where neighbours are in close proximity. Single storey extensions on terraced houses should be no more than 3.0 metres from the rear elevation of the original dwelling. The proposed extension would be 3.0 metres from the rear elevation of the property, in compliance with the Arun Design Guide.

The proposed single storey extension and the loft conversion (both of which include roof-lights) would be visually integrated with the existing building in siting, massing, design, form, scale and materials; and they would not have a significant visual impact on the appearance of the building, and would be in compliance with Policy D DM4 (a). The proposed single storey extension would be visually subservient to the main building and would complement the design and appearance of the existing single storey rear extension, in compliance with Policy D DM4 (b). The proposed extension and the loft conversion would not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties as the proposed extension would only be single storey and there are no windows on the eastern elevation; and the roof-lights in the extension and the loft are positioned to ensure there would be no overlooking into neighbouring properties, in compliance with Policy D DM4 (c). The proposed single storey extension and loft conversion would not compromise the established spatial character and pattern of the place due to the small scale of the proposed development, but it would enhance the appearance of the existing property, in compliance with Policy D DM4 (e).

The design and appearance of the single storey rear extension and the conversion of the loft comply with Policy D DM4 and Policy D SP1 of the Local Plan, Policy HP13 of the Walberton NP2, the NPPF and the Arun Design Guide.

#### SCALE AND BUILDING HEIGHTS

The dwelling types in the vicinity of Orchard Crescent are two storey semi-detached and detached houses. The single storey rear extension would fit in with the existing single storey rear extension on the property. The scale and height of the single storey rear extension and the scale of the loft conversion would be in keeping with the surrounding area. The development complies with Policy D DM1 and Policy D SP1 of the Local Plan and Policy HP6 of the Walberton NP2 in terms of the scale and the building heights.

#### NEIGHBOURING RESIDENTIAL AMENITY

In terms of overbearing and overshadowing, the single storey rear extension with the rooflights; and the rooflights in the converted loft would not affect neighbouring properties. The extension which includes alterations to the existing single storey rear extension and the loft conversion would not impact on the residential amenity of the neighbouring properties. The proposal has introduced a back facing window and patio doors on the rear elevation of the single storey extension, therefore no views which could cause a loss of privacy to adjoining properties would be created. As the single storey extension is built flush with the rear wall of the existing extension, the extension would be below a 25-degree line taken from the centre of the lowest window of the neighbouring building. By virtue of not being overbearing, overshadowing and overlooking, the proposed single storey rear extension and the proposed loft conversion comply with Policy D DM4 of the Local Plan and Chapter M of the Arun Design Guide.

Bearing in mind the built environment in the vicinity of the site and the design of the single storey rear extension, it is necessary to impose a condition restricting permitted development rights. The removal of the permitted development rights by way of condition would ensure that the privacy and amenity of adjoining residents in this part of Fontwell is safeguarded; and to safeguard the cohesive appearance of the buildings on Orchard Crescent, which is visually attractive. Subject to a condition restricting permitted development rights, the proposed development is acceptable in respect of neighbouring residential amenity, in accordance with Policy D DM1(3) and Policy D DM4 of the Local Plan in seeking to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

#### EXTERNAL SPACE STANDARDS

The Block Plan (Drawing No. M.1096-01 Rev. A) shows the single storey rear extension with a rear garden orientated north/south that would measure in excess of 10.5 metres in length. The Arun Design Guide specifies that dwellings must have adequate private or share amenity space and it provides a figure of 10.5 metres in length. The development complies with Policy D DM1(3) of the Local Plan and the Arun Design Guide in terms of the provision of sufficient private amenity space for the residential development.

#### INTERNAL SPACE STANDARDS

The floor plan of the rear extension, the loft and the former retail unit, where it specifies the number of bedrooms and the square metres of floor space has been cross referenced with the Nationally Described Standard table (NDSS Table 1). The floor area of the extension, loft conversion and former retail unit measures 60m.sq. The extension would measure 3.0m x 3.0m and the loft conversion is 5.0m x 4.5m. The overall GIA would comfortably be above the required standard for a 3 bedroom (2 double, 1 single) for a property of this type at approximately 130m.sq. Consequently, the minimum gross internal floor area of the single storey rear extension and the loft conversion comply with Policy D DM2 of the Local Plan and meet the NDSS requirements.

## ACCESS

The existing access along Orchard Crescent would be retained and it would be used to access the dwelling. Consequently, there would be no highway safety issues and the proposed development would comply with Policy T SP1 of the Local Plan.

## PARKING

Three off-street parking spaces would be provided along Orchard Crescent (a private road), all as existing. The ADC Parking Standards SPD recommends the provision of 2 parking spaces for 3 bedroom dwellings, however, as there are 3 existing off-street parking spaces available, this is quantum of parking spaces is acceptable. The proposed development complies with Policy TSP1 of the Local Plan.

## DRAINAGE

Surface water drainage would remain as existing, save for the single storey rear extension which would not enter the public sewer but would be dealt with by soakaway. ADC Drainage Engineers have requested that a surface water drainage condition be imposed. Southern Water acknowledges that it is possible that a sewer now deemed to be public could be crossing the site. The existing dwelling has a foul drainage connection which would be retained as existing. Subject to the imposition of a surface water drainage condition, the proposed development complies with Policy W DM2 and Policy W DM3 of the Local Plan and Policy VE7 of the Walberton NP2.

## SUMMARY

Planning permission is not required for the change of use of the shop to residential use following the introduction of a new permitted development right on 1st August 2021.

The proposed development of a single storey extension and the conversion of the loft on a 175 square metre' site within the BUAB of Fontwell is acceptable, in accordance with the policies in the Arun Local Plan, the Walberton NP2, the NPPF and the Arun Design Guide.

## RECOMMENDATION

It is recommended that this application for a single storey extension and a loft conversion is approved and the following conditions be imposed.

### 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 application is CIL Liabie therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

#### RECOMMENDATION

- 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:
  - Drawing No. M.1096-01 Rev. A - Site and Location Plan.
  - Drawing No. M.1096-02 - Existing Floor Plans and Elevations.
  - Drawing No. M.1096-03 - Proposed Plans and Elevations.  
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.
- 3 No construction activities shall take place, other than between the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, and bank and public holidays.  
  
Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.
- 4 Prior to commencement of the rear extension, full details of the proposed surface water drainage scheme should be submitted to and be approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No part of the extension shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.  
  
Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W SP1, Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.
- 5 The materials and finish of the external walls and roof of the single storey rear extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining residents, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun District Local Plan.

- 7 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here [Drainage Planning Consultations | Arun District Council](#) on Arun District Councils website. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 8 INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures set out in Southern Water's table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.
- 9 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.