

Recommendation Report for Planning Permission

REF NO: Y/3/26/PL

LOCATION: 6 and 7 West View Drive
Yapton
BN18 0JR

PROPOSAL: Changing existing 2 No. flats into 1 No. single dwelling. This application is in CIL Zone 2 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to convert two flats into a dwelling.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	1.8 close boarded fence to the side boundaries. Open to the road.
SITE CHARACTERISTICS	Semi-detached two-storey building with ground-floor and first-floor flats. Lawned front garden with a dropped kerb and driveway to the south.
CHARACTER OF LOCALITY	The area is predominately residential.

RELEVANT SITE HISTORY

Y/12/20/PL	Conversion of 2 No. flats into 1 No. single dwelling house together with single storey rear extension.	ApproveConditionally 31-03-20
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This application granted permission for the conversion of the two flats, that are the subject to the current planning application, into one dwelling together with a single storey rear extension.

REPRESENTATIONS

Yapton Parish Council - Objection.

- Loss of a dwelling.
- Flats in the village are scarce and the loss will be a detriment to the community.
- The planning balance of the loss of a flat to create a single family home is questionable.

1 objection.

- Despite many new houses being built there is a lack of flats.
- This will take away from affordable housing in our local community.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary

Lidsey Wastewater Treatment Catchment Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
HSP1	HSP1 Housing allocation the housing requirement
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

Yapton Neighbourhood Development Plan 2011-2031 Policy BB1 Built-up Area Boundary

Yapton Neighbourhood Development Plan 2011-2031 Policy PK1 Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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.

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 complies with relevant Development Plan policies in that the conversion would not result in adverse harm upon the appearance or character of the area nor upon residential amenity. There is conflict with transport/parking policies.

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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations relating to parking discussed below.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is below the de-minimis threshold.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary. The principle of development is accepted subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

The proposal results in the loss of one residential unit, which is counter to the strategic objective of ALP policy H SP1 which seeks to increase housing in the district. Neither this policy, nor any other policy, resists the loss of residential units. The proposal is not in conflict with ALP policy H SP1.

DESIGN AND VISUAL AMENITY

The property seeks to convert the property from two flats to a dwelling. The ground and first floor units have two bedrooms and the conversion would result in one 4-bed property.

The only external alteration sought is the replacement of a door and window, with a single window. This is to the southern (side) elevation, and would not result in harm to the appearance of the property and would not be visible from the street scene.

The dwelling is in an established residential area and as the building will predominately retain its existing appearance, the change of use would not adversely impact the spatial pattern or character of the area and is in accordance with ALP policies D DM1 and D DM4.

RESIDENTIAL AMENITY

Physical alterations are minor, with a replacement window in lieu of a door/window to the side, ground-floor elevation. Due to its replacement nature and being at ground floor level, this would not give rise to any adverse overlooking to neighbouring properties. There will be no additional overlooking at first-floor level with bedroom windows remaining as existing.

As the number of bedrooms remains unchanged, the use as a dwelling would not result in an intensification of the property and impacts such as noise will not significantly increase from the existing situation.

The conversion would not result in additional adverse impacts upon neighbouring amenity and is in accordance with ALP policies D DM1, D DM4, and QE SP1.

SPACE STANDARDS

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance'. It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards - Nationally Described Space Standard (NDSS) to determine if the building is suitable for use as a single dwelling.

The dwelling would have two-storeys and has four bedrooms. Three of the bedrooms meet the required sizes for double bedrooms whilst one bedroom would be suitable for a single bed. The floor plan does show two additional rooms as bedrooms/office or study and these fall below the required size for single bedrooms, but have not been counted as they are not definitive bedrooms and could be used for either function. The property is treated as a 4-bedroom 7-person dwelling and has a floor space of approximately 124sqm which is compliant with the NDSS for a property such as this.

The supporting text to ALP policy D DM2 refers to the Arun Design Guide (ADG) SPD which include guidance on external space standards, and the need for applications to have regard to include adequate provision of private external space.

Section H.04 of the ADG SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space. The property has a lawned front garden set back from the highway, and a large rear garden which appears to have been split into two to serve each flat. This will be returned to one garden and has a depth of 40m which far exceeds requirements.

The property would have sufficient internal and external space in accordance with ALP policies D DM2 and QE SP1, and the ADG.

PARKING

Yapton Neighbourhood Development Plan (YNPD) Policy PK1 requires 4-bed dwellings to have three parking spaces so as to not adversely affect road safety or result in unacceptable levels of on-road parking demand. This is reflected by the Arun Parking Standards.

The building currently has a drive with space for two cars if they are tandem parked. The drive does extend along the side elevation of the building, however it does appear narrow and is unlikely to be able to accommodate three vehicles. It is likely the property would be short of complying with the standards and policy by one space. There is sufficient on street parking available. The existing flats require two parking spaces per unit, a total of four. The conversion would reduce the parking demand for the site.

Whilst it does not appear that there is sufficient space on site for three cars, the site is in a sustainable location, within walking distance to shops and services in Yapton village centre. Cycle storage should be provided as should EV charging. This is not shown on the plans but will be secured by condition.

While the proposal is in conflict with ALP policy T SP1 and YNDP Policy PK1 due to the shortfall of a parking space, it is an improvement over the current situation and would not represent harm to the on-street parking provisions available, highways safety or capacity, or the amenity of the area. No demonstrable harm is identified as a result of this conflict, indeed, it is an improvement and would not constitute a reason for refusal as outlined by Paragraph 116 of the NPPF.

FLOOD RISK AND DRAINAGE

ALP policy W DM2 refers to flood risk, the sequential/exception tests and mitigation measures. Policy W DM1 refers to Lidsey Wastewater Treatment.

The site is not in a flood risk zone nor at risk from climate change. The site seeks a change of use only and it does not increase the footprint of the building through built form, nor does it seek any alterations or additional hard standing to the site. The proposal would not result in an increase to flood risk.

No changes are proposed to drainage. There will be no changes to the footprint or areas of hardstanding. The number of bedrooms and occupancy is not increased compared to its current use as flats and the development would not result in additional adverse impact on the Lidsey Treatment Catchment Area (LTCA).

The development will not give rise to an increase in flood risk nor upon LTCA and is in accordance with ALP policies W DM1 and W DM2.

SUMMARY

There are no planning policies that resist the loss of residential units by way of amalgamation. The council cannot meet its housing land supply requirement and it is regrettable that a unit would be lost. The loss of a unit is minor and would not have such a material impact upon housing supply in which a refusal would be justified.

The conversion would not result in adverse harm upon the area, amenity, nor result in a reduction of bedspaces and would improve the current shortfall of parking on site. While there is a technical conflict due to the shortfall of a parking space, this does not amount to harm, and the proposal otherwise complies with relevant Development Plan policies and is recommended for approval subject to conditions and informatives.

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 not CIL liable.

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 and Block Plan - 1.00
- Site Layout Plan - 1.01
- Proposed Floor Plan - 3.01
- Proposed Elevation Plan - 3.02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 4 Prior to occupation of the dwelling, the applicant or developer shall provide the dwelling with an electric vehicle charge point in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge point shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge point shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.