

PLANNING APPLICATION REPORT

**REF NO:** LU/182/23/PL

**LOCATION:** Wellesley Court  
Fitzalan Road  
Littlehampton  
BN17 5JW

**PROPOSAL:** Subdivision of three existing flats into six flats, with the associated installation of two windows. The application is in CIL Zone 4 (zero rated) as flats and may affect the character and appearance of the Littlehampton Sea Front Conservation area.(Resubmission of LU/77/23/PL).

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks the subdivision of three existing dwellings to create 6 No. 1-bedroom flats and install 2 No. associated windows.
BOUNDARY TREATMENT	Low and high sections of flint and brick wall with mature tree/shrub planting to the front of the property.
SITE CHARACTERISTICS	<p>The site is occupied by a two and a half-storey detached Victorian house that has been divided into flats. The site is bound by Irvine Road to the South, Fitzalan Road to the West and Selbourne Road to the North.</p> <p>The upper floor of the building occupies the roof space, which features a combination of clay roof and wall tiles. All remaining elevations are comprised of brick with painted stone features. Existing windows and doors are white uPVC.</p> <p>The flats to be subdivided are on the ground and first floors, accessed via a door, lobby, and staircase on the western elevation of the building.</p>
CHARACTER OF LOCALITY	The site is located within the Littlehampton Seafront Conservation Area, and its immediate surroundings comprise predominately residential uses. There is an informal recreation area to the North, a three-storey block of flats (Oakland Court) to the West, and residential properties to the South and immediately adjoining the site to the East.

**RELEVANT SITE HISTORY**

LU/77/23/PL	Subdivision of 3 No existing dwelling units to create 1 No studio and 4 No 1 bed dwellings. This application affects the character and appearance of the Littlehampton Sea Front Conservation Area and is in CIL Zone 4 (Zero	ApproveConditionally 19-05-23
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Rated) as flats.

Noted. Application ref: LU/77/23/PL has recently granted approval for the subdivision of these same 3 No. dwellings into 4 No. 1-bedroom flats and 1 No. studio. That permission is extant and can be implemented. The proposals the subject of this application seek to create an additional unit.

## REPRESENTATIONS

Littlehampton Town Council - Objection:

- This represents an over-development of the site.
- The room sizes, although compliant, are very small and facilities would be crammed and fail to recognise the amenity of residents.

No representations have been received from nearby occupiers.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The Town Council acknowledge that the unit sizes comply with the nationally prescribed space standards.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No objection:

- Conditions recommended in relation to construction hours and asbestos containing materials.

ADC Conservation Officer - No objection:

- The proposal would not cause harm to either the non-designated heritage asset, or the Conservation Area.
- Request a condition relating to the use of matching materials and reuse of bricks removed to facilitate the new opening.

Conservation Area Advisory Panel - No objection:

- The proposals will have no adverse impact on the character or appearance of the Conservation Area.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Appropriate conditions and informatives have been attached to the recommendation.

## POLICY CONTEXT

Built-up Area Boundary.

2km Buffer for Site of Special Scientific Interest.

Adjacent to Locally Listed Buildings of Character (Non-designated Heritage Assets).

Flood Zone 2 & 3.

Littlehampton Sea Front Conservation Area.

### DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

<a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

**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.

All relevant policies from the Littlehampton Neighbourhood Development Plan have also been considered.

**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 impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Paragraph 11c of the NPPF (2023) says that development proposals that accord with an up-to-date development plan should be approved without delay.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the character of the Conservation Area.

#### **OTHER MATERIAL CONSIDERATIONS**

Albeit only to a limited degree, the subdivision of these 3 No. units into 6 No. units would make a positive contribution to the Council's current shortfall in housing land supply. There are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The key Development Plan policies relevant to this application are SD SP2 (Built-up Area Boundaries), D SP1 (Design), D DM1 (Aspects of form and design), D DM4 (Extensions and alterations), HER SP1 (The historic environment), HER DM2 (Locally Listed Buildings of Character), HER DM3 (Conservation Areas), T SP1 (Transport and Development) & T DM1 (Sustainable travel) of the Arun Local Plan (ALP) and policies 1 (Sustainable Development), 2 (Spatial Plan) & 17 (Buildings and structure of character) of the Littlehampton Neighbourhood Development Plan (LNP).

Additionally, Section L of the Arun Design Guide (ADG) is also of relevance.

##### **DESIGN AND VISUAL AMENITY**

The bulk of the proposed works are internal and would result in a new internal layout to provide the 6 No. 1-bedroom flats. The only exterior works proposed are 2 No. windows that are to be installed to allow the new flats to benefit from greater light accessibility. One of these windows will be installed on the ground floor of the North elevation and one on the first floor of the East elevation. These windows relate well to the existing fenestration layout and are to be of a painted, wooden sliding sash design with stone cills and brick soldier courses which are an appropriate and sympathetic design for the building and its context. Of particular benefit, the window to the first floor of the East elevation would replace a door which is of an unsympathetic design and appears to lead only to a roof. From a review of historic imaging, this door appears to have once served an external staircase that is no longer in situ. The replacement with a sympathetic window is appropriate.

The proposal is in accordance with policies D SP1, D DM1 & D DM4 of the ALP. Additionally, in consisting of traditional materials they are compliant with Section L of the ADG.

##### **RESIDENTIAL AMENITY**

As the proposal does not result in any change in the scale of the building, the proposal will not result in any adverse overbearing or overshadowing of neighbouring properties. The existing use of the units is residential and so the proposal only seeks an alternative layout and introduction of additional living areas within the building. There would be a net increase in occupancy of one individual going from the existing five occupants of the three flats to six in the proposed one-bedroom units. This is not a substantial increase and approval has previously been given for a similar scheme, albeit creating one fewer unit. There would be no detrimental increase in noise or nuisance for neighbouring occupiers as a result of the proposal to a degree that would justify refusal on these grounds.

The 2 No. new windows would not give rise to any significant overlooking impacts of neighbouring occupiers in that they would be comparable to existing viewpoints and be inward looking. The North ground-floor window would look out to the courtyard in the North of the site and the first-floor East facing window would look out toward the courtyard and the roof slope of the single storey projection on the Northeast end of the building.

The proposal is compliant with polices D DM1(3) & D DM4(c) of the ALP.

### SPACE STANDARDS

Policy D DM2 states that the planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs, in line with Nationally Described Space Standards. Single occupancy 1-bedroom single storey dwellings are required to have a total floorspace of 39sqm (37 sqm if a shower room is used as opposed to a bathroom). They are also required to have minimum bedroom widths of 2.15m and bedroom floorspaces of 7.5sqm. The six proposed units are all compliant with these standards and as such, provide a sufficient standard of amenity for the occupants.

The proposal is in accordance with Policy D DM2 of the ALP.

### EXTERNAL SPACE STANDARDS

Policy D DM1 refers to the need for compliance with the Arun Design Guide. Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable'. Private rear gardens should have a minimum depth of 10.5m; however, this may not be possible for building conversions and the merit of the proposal should be considered.

The flats to be subdivided currently do not benefit from private amenity space and neither would the proposed units. There are, however, substantial areas of communal garden space within the curtilage of the building. These dwellings would benefit from sufficient shared external amenity space.

The proposal is compliant with policy D DM1(15) of the ALP and Section H.04 of the ADG.

### FLOOD RISK

The site is located within Flood Zones 2 & 3 and, as such, an appropriate Flood Risk Assessment (FRA) is required. An FRA has been provided that concludes the proposed development will not increase the flood risk of this site - or that of neighbouring properties. The proposal would not result in any increase in the scale of the building, nor would it result in a change of use to a more vulnerable class or increase the occupancy levels at ground floor level. There would be no increase in flood risk to occupants or elsewhere. It therefore, complies with the National Planning Policy Framework (2023) and Planning

Practice Guidance (PPG).

Given the scale and type of development proposed, no conditions in relation to flood risk are necessary.

## HIGHWAYS AND PARKING

ALP Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian, and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The site is in a sustainable location where occupants of the flats will be in walking distance of public transport and amenities. There is also parking provision on site in the form of a courtyard and garages, as well as on-street parking along the adjoining roads. As such, the proposal is in accordance with Policy T SP1 & T DM1 of the ALP.

## HERITAGE ASSETS

The application site is located within the Littlehampton Sea Front Conservation Area, and adjacent to 2 No. Locally Listed Buildings of Character to the East and the Littlehampton Area of Character to the North.

Para 195 of the NPPF requires Local Planning Authorities to identify the significance of any heritage assets affected by a proposed development. The Conservation Area is focused on the historic part of the town that first developed as a seaside resort and contains a number of fine terraced houses, especially along South Terrace. The Conservation Area also includes (on the north side of Irvine Road) two groups of substantial and imposing Victorian and Edwardian/early 20th Century, mostly three storeys, buildings. These were originally substantial houses, reflecting the growing economic prosperity of the town as a harbour and resort during this period.

The 2 No. Locally Listed Buildings of Character (3 & 5 Irvine Road) are set back from Irvine Road and are architecturally impressive and contribute to the significance of the Conservation Area.

The Area of Character is characterised by large, mostly Edwardian, detached, and semi-detached properties. These properties are substantial and grand in design with decorative barge boards, porches, and balconies. The properties are principally 2.5 and 2-storeys with regular spacing between the properties and the footway of the designated area, distinguishing between the public and private realms.

Para 195 also requires the LPA consider the significance of the impact upon those heritage assets. The only exterior works proposed are the installation of 2 No. windows. One of these windows will be installed on the ground floor of the North elevation and one on the first floor of the East elevation. These windows relate well to the existing fenestration layout and are to be of a painted, wooden sliding sash design with stone cills and brick soldier courses which are an appropriate and sympathetic design for the building and its context. Of particular benefit, the window to the first floor of the East elevation would replace a door which is of an unsympathetic design and appears to lead only to a roof. The revision of the first-floor opening on the East elevation would involve the removal of some bricks and brick course. The potential to re-use this material is positive, viable, and has been requested by way of condition to both preserve and enhance the significance of the Conservation Area.

The works will be modest in scale and will have no significant visual impact on the wider locality or Conservation Area. For the same reasons, they will not result in harm to the significance of the

Conservation Area or the other nearby Heritage Assets.

Works to the existing building will retain the character of the existing building and wider area. The proposal will not result in any harm to the Conservation Area or any adjacent Non-Designated Heritage Assets in accordance with policies HER SP1, HER DM2 & HER DM3 of the ALP, and policy 17 of the LNP. As no heritage harm would result from the development, there is no need to consider public benefit in this regard.

## SUMMARY

For the reasons detailed above, the proposal would make a positive contribution to the District's identified housing need and is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following 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.

### 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:

- Window Details A.400.
- Location Plan A.001.
- Proposed Plans A.101 F.
- Existing & Proposed Elevations A.200 A.
- Site Plan A.002 A.

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 The bricks and brick bond used as part of the creation of the new first-floor window on the East elevation shall match that of the existing building and any of the existing bricks removed when creating this revised opening that are salvageable, shall be used to infill the resultant gap.

Reason: In order to preserve historic fabric and the significance of the Conservation Area in accordance with Policies HER SP1 & HER DM3 of the Arun Local Plan.

- 4 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan.

- 5 **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.

- 6 **INFORMATIVE:** The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development involves demolitions/renovations, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any ACM's being disturbed. The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACM's. If an owner / occupier chooses to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods. In addition, please be aware that ACM's need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.



The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

**LU/182/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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