

PLANNING APPLICATION REPORT

REF NO: LU/370/19/PL

LOCATION: 49 Horsham Road
Littlehampton
BN17 6DB

PROPOSAL: Demolition of existing outbuilding and stair access to first floor flat. Erection of a Rear extension to existing retail unit, creation of new rear stairwell with access to new first floor office and flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	154 sq.m.
BOUNDARY TREATMENT	Fencing on the top of a dwarf wall to the rear of the retail unit to a total height of 2.63m and open to the front onto Horsham Road.
SITE CHARACTERISTICS	Retail on the ground floor with a two bedroom flat on the first floor with an external stairway entrance. The applicant has confirmed that the ground floor amenity area is in the control of the commercial unit only.
CHARACTER OF LOCALITY	A terrace of commercial units fronting onto Horsham Road. Residential properties to the rear of the premises predominantly detached bungalows.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Objection on the grounds that the size and bulk of the extension is an over development of the site.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusions section of the report.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

The comments of the economic regeneration team are awaited and will be reported to the Committee as

a report update.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

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
EMPDM1	EMP DM1 Employment Land: Development Management

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

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.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies within the Littlehampton Neighbourhood Plan have been taken into account.

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area, preserving its appearance.

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 application site is situated within the built up area boundary where the principle of development is acceptable, subject to accordance with relevant development plan policy. The key development plan policies are as follows.

Policy D DM1 of the Arun Local Plan (ALP) sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 of the ALP sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy EMP DM1 of the ALP which seeks to enhance employment premises such as this one.

Policy 1 of the Littlehampton Neighbourhood Plan indicates planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 2 of the Littlehampton Neighbourhood Plan explains the Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area boundary of Littlehampton.

DESIGN AND VISUAL AMENITY

The existing structure located in the rear will be demolished and replaced with a larger connected development with the floor level lowered to ensure the eaves is lower than the existing fence line. The new extension will connect to the existing shop and used as extra storage. The proposal also includes an enclosed staircase for the first floor flat.

The proposed new single storey building with linkway to the rear of the premises together with the relocation of the rear external staircase are considered to be adequately integrated with the existing building.

A first floor extension is proposed to the northern end of the building where new office floor is proposed. Windows are proposed to be added to the office to allow for some light to enter naturally.

The materials will consist of render to the ground floor and weatherboarding to the first floor. The use of these materials are not considered to be out of character with the surrounding properties which are mixed in character.

The development proposed by this application is considered to be in keeping with the spatial pattern of the street scene as it is largely screened from view given its location to the rear of the property. The proposed extensions are of an appropriate design, appear subservient to the host building and have minimal harm to the character of the area in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed storage building will increase the existing floor area by 1.4 m x 1.2m and the eaves height of the new building to the north and south will remain 2m (lower than the existing fencing). This will increase to a height of 2.15m to the west where it abuts the gardens of the residential bungalows to the

rear of the premises.

Whilst this will have a greater level of impact on these gardens it is not considered to be unacceptable given that there is fencing up to 2 metres high. Furthermore, the hipped nature of the roof lessens the impact on neighbouring properties.

The link extension is shown to have more height with a flat roof but with the imposition of a condition to prevent it being used as a balcony this will ensure that there will be no unacceptable overlooking of neighbouring properties. There is however no access proposed from the first floor premises onto this area.

The first floor addition to be used as office space is not considered to have a demonstrable impact as there will be no harmful views from the proposed windows onto neighbouring properties.

Whilst the proposed staircase does add height and bulk to one side of the development, it is located 1.4m from the neighbouring boundary. This is considered to be an acceptable distance to ensure that the impact from the staircase does not overbear the neighbouring property. Also given that it will be enclosed there will be no harmful overlooking of neighbouring properties.

The applicant has confirmed that the rear of the premises is solely for the benefit of the shop and the first floor flat only has right of way over it to gain access. There is therefore no loss of garden space from the proposed development.

The proposal is deemed to be in accordance with policies D DM1(3) and D DM4(c) of Arun Local Plan.

EMPLOYMENT

Policy EMP DM1 of the ALP 'Enhancement of employment premises' supports this proposal as its aim is to enhance and protect existing employment premises. This is so as to maintain a supply of good quality commercial premises to meet the needs of business and the local economy.

This application if approved will allow the business to stock a larger number of carpet rolls and associated items. This in turn will allow the business to grow and the local economy to benefit from this development.

The redevelopment of the space to the rear will upgrade an area which is currently not fit for the use of the company.

This proposal is therefore in accordance with policy EMP DM1 (1) of the ALP.

SUMMARY

The proposed development is deemed to accord with the relevant development plan policies and as such is 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), 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

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
- Block Plan
- Proposed Elevations
- Proposed Floor Plans

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 roof area of the link section of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

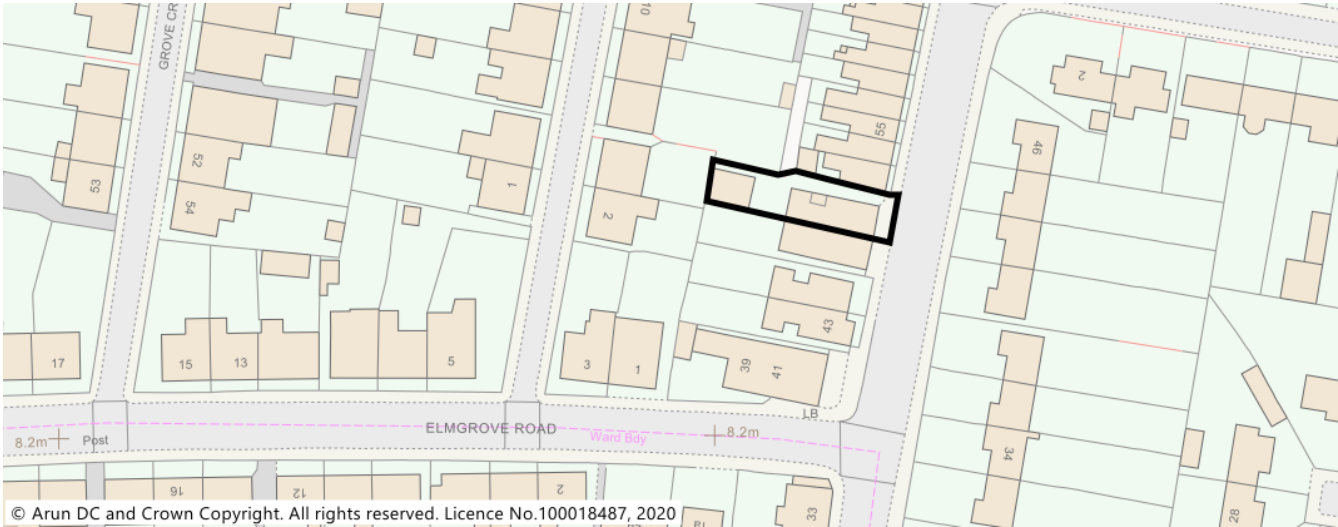
Reason: To safeguard the amenities of the occupiers of adjoining property in accordance with policy D DM1 of the Arun District Local Plan.

- 4 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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/370/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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