

PLANNING APPLICATION REPORT

REF NO: LU/350/20/PL

LOCATION: 215 Timberleys
Littlehampton
BN17 6QD

PROPOSAL: Erection of 1 No new dwellinghouse.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. dwelling within the residential garden of 215 Timberleys. It will project from the northern face of the host dwelling by approximately 3.97m at the same height as the host dwelling.
SITE AREA	Approximately 220.sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to its front boundary, with a mixture of mature foliage, and fencing to the other boundaries of the site.
SITE CHARACTERISTICS	The site is part of a residential garden to 215 Timberleys.
CHARACTER OF LOCALITY	The area is part of a residential street, comprising a uniform character of terraced dwellings 3 storeys, set in medium plots set back from the highway by gardens/parking areas.

REPRESENTATIONS

Littlehampton Town Council - Objection.
Considered that the plans lacked clarity regarding the steps to overcome neighbouring amenity and design issues, particularly in respect of the side entrance and window that would be lost from the existing premises if the new development were permitted.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The comments raised will be addressed in the conclusion section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection subject to conditions.

Ecology - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions suggested by the Ecologist will be applied, however not all of the conditions suggested by Environmental Health are considered to be reasonable so only some will be applied. A plan has been submitted with details to provide the details requested by the Ecologist.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
SDSP2	SD SP2 Built-up Area Boundary
ENVSP1	ENV SP1 Natural Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

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

Littlehampton Neighbourhood Plan 2014 Policy 22 Design of New Development

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
-------	-----------------------------

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.

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."

Whilst the proposal is considered to comply with relevant Development Plan policies in that the proposed dwelling is seen to be harmonious with the character of the area and have no significantly harmful impact upon the residential amenities of the nearby occupiers, it is in conflict with one element of policy T SP1 of the Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan in that off street car parking is not provided in accordance with the Council's guidelines.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan, namely that whilst the proposal does not provide the required off-street parking there is capacity within the locality which will ensure that the proposal would not have a severely harmful impact upon highway conditions within the area. In addition this is a sustainable location within the built up area of Littlehampton where there are other non vehicle borne means of transport within walking distance.

CONCLUSIONS**PRINCIPLE**

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. In this case, the key policies of the Arun Local Plan are D SP1, D DM1 and T SP1 of the Arun Local Plan and Policies 1, 2 and 22 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 15 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 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 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable. The proposal accords with this policy in that whilst the proposal does not accord with the development plan, there are material considerations of which allow the proposal to be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary. The proposal is in accordance with this policy due to the siting of the application

site being within the built up area boundary.

Policy 22 of the Littlehampton Neighbourhood Development Plan relates to the design of new development and its relationship with the transport. This includes provision for car parking and the width of roads and carriageways.

DESIGN

The proposed dwelling seeks to project from the Northern elevation of an existing row of 5 dwellings. The design of the proposed dwelling will be very similar to that of the existing dwelling at 215 Timberleys, and the other dwellings in this row of houses. Furthermore, the scaling matches that of the other dwellings along the row of houses in that the proposal is 8.2m high, 3.97m wide and 10.55m deep. As such, it will be in keeping with the neighbouring dwellings and the character of the area. The street scene is formed of a consistent construction of dwelling size and scale, of which this dwelling will match by infilling a gap on the side 215 Timberleys. The host property, has a larger garden than other dwellings within the terrace and can therefore accommodate a dwelling without upsetting the current spatial pattern of the terrace.

The Northern boundary of the proposed dwelling would face towards Worthing Road. At its closest point, the proposed dwelling is approximately 1m from the Northern boundary of the application site, then widening to 5m. Whilst this is close to the street scene of this highway, it is not considered that the proposal would give rise to any unduly dominant appearance within this street scene, due to the separation distance provided by the planting and the foliage present between the site boundary and this public footpath mitigating any potentially harmful impact.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street. The proposal will increase the length of the row of houses to six, which will accord with the neighbouring row of dwellings, which is considered to allow the dwelling to appear harmonious with the character of the locality in accordance with D DM1 of the Arun Local Plan, Section P of the Arun Design Guide and Paragraph 124 and 127 of the National Planning Policy Framework which relate to the creation of well-designed places through design.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan, Section P of the Arun Design Guide and paragraphs 124 and 127 of the National Planning Policy Framework.

SPACE STANDARDS

The new dwelling will have an internal floor area of 108.24sq.m which is 0.24sq.m. over a the minimum requirement of a three bedroom, six person, three storey dwelling.

The rear garden would be 11.6m in length (at its longest point) and is significantly larger than other gardens found elsewhere in the area, which complies with guidance within Section H of the Arun Design Guide.

RESIDENTIAL AMENITY

The proposed development would not project forward, nor project beyond the rear of the adjoining dwelling, 215 Timberleys and therefore would not lead to overshadowing or overbearing impact upon said neighbouring dwelling as the proposal aligns with the front and rear faces of the adjacent dwelling. Furthermore, the proposed development does not result in any significantly harmful loss of privacy to the occupiers as the proposed openings either face towards the street scene, or to the rear within the rear garden of the proposed garden.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed dwelling is in an established residential area, and it is not considered that the increase in associated vehicular movements would result in a severely harmful impact upon the local highway. The proposed dwelling provides for one parking space when the parking demand is for 3 spaces, as stated by the Arun Parking Standards Supplementary Planning Document. However, this is not uncommon for the area, as most dwellings along the road provide only one space. Also within the area there is provision for communal parking and there are no on-street parking restrictions operating.

Whilst the proposal does not comply with one aspect of T SP1 of the Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan in that it fails to provide the required off street parking, for the reasons given above this is acceptable and not a reason on its own to refuse this application and would there are sound reasons why strict compliance with the guidelines would not be robust. The proposals would clearly not result in a severe impact.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and 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

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:

- Proposed Block Plan - 1902-07 - OCT 2020
- Proposed Site Plan and Sectional Front Elevation Through Timberleys and Worthing Road - 1902-08 - July 2020
- Proposed Ground Floor & First Floor Plan - 1902-09 - Reg G
- Proposed Second Floor and Roof Plan - 1902-08 - Rev. C
- Proposed Elevations - 1902-11 - Rev. D
- Proposed Site Plan Indicating Ecological Improvements - 1902-14 - Mar 2021
- Email - LU/350/20/PL - Details of Ecological Measures - 11/03/2021 - 15:18

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 part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

4 Prior to the occupation of the residential unit, details of the construction and location of a hedgehog nesting box, bat box and bird box should be submitted to, and approved in writing by the Local Planning Authority. These details should then be installed prior to the occupation of the dwelling and be remained in perpetuity.

Reason: To protect the biodiversity and natural environment of the area, in accordance with ENV SP1 of the Arun Local Plan.

5 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and details of the fencing and landscaping (including that to be retained) for the proposed development has been submitted to, and approved by the Local Planning Authority with the details thereby approved used in the construction of the development.

Reason: To protect the character of the area, in accordance with D DM1 of the Arun Local Plan.

6 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning

Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 7 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

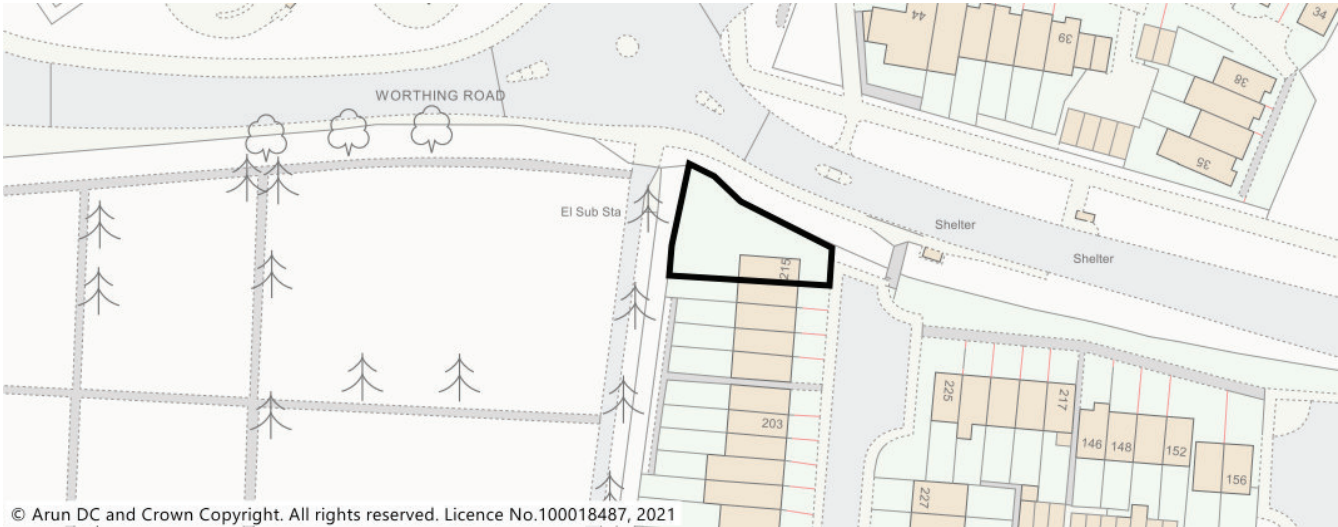
Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 8 INFORMATIVE: In relation to sound insulation between the proposed separate residential dwellings, it is assumed that Building Control will ensure that the Building Regulations, Approved Document E is applied.
- 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.

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.](https://www.arun.gov.uk/weekly-lists)

LU/350/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015