



TO: Planning Committee South
BY: Head of Development
DATE: 19th March 2019
DEVELOPMENT: Conversion of garage into habitable living space C3 use
SITE: 7 Allfreys Wharf Pulborough West Sussex RH20 2BN
WARD: Pulborough and Coldwaltham
APPLICATION: DC/18/2589
APPLICANT: **Name:** Ms Donna Hawes **Address:** 2 Cobbs Mill Mill Lane Sayers
Common West Sussex BN6 9HN

REASON FOR INCLUSION ON THE AGENDA: More than eight letters of representation have been received contrary to the Officer recommendation

RECOMMENDATION: Approve subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought for the installation of a front and rear rooflight and a rear window to the existing garage. These alterations facilitate the conversion of the attached single garage to additional accommodation associated with the domestic occupation of 7 Allfreys Wharf.

1.3 It should be noted that planning permission is only required for the external alterations. Planning permission is required for the roof light and window as permitted development rights were removed for any external alterations to the dwelling under the original planning permission. No such rights were removed for the conversion of the garage into living accommodation, and therefore this could be carried out without the need for planning permission.

DESCRIPTION OF THE SITE

1.3 Allfreys Wharf is a modest cul-de-sac to the south of Lower Street comprising of 8 dwellings and associated garaging. Development on Allfreys Wharf is of a circa 1995 construction (following application PL/5/94), and possesses a principally uniform modern character. No.7 is a two storey dwelling, linked to No.8 by attached single garaging. The application property principally comprises of stock facing brickwork, concrete tiling and typical brown uPVC

windows/doors. The property incorporates red brick window surrounds and quoins as decorative detailing; consistent with other detailing in the Allfreys Wharf development.

- 1.4 The application site is located within the defined built-up area of Pulborough and sited approximately 15m south-east of the Pulborough Conservation Area.
- 1.5 The property provides sheltered accommodation for vulnerable persons. The property currently accommodates four vulnerable persons with a single live-in carer. Occupiers share ground floor communal spaces; lounge, living room and dining room in addition to shared garden spaces. Some bedrooms benefit from a dedicated en-suite, but other first floor bedrooms share bathroom facilities. The in-house carer assists vulnerable occupiers with healthcare, household chores and cooking.
- 1.6 A C3 use is defined under The Town and Country Planning (Use Classes) Order 1987 as “a dwellinghouse (whether or not as a sole or main residence) –
 - (a) By a single person or by people living together as a family, or
 - (b) By not more than 6 residents living together as a single household (including a household where care is provided for residents).”
- 1.7 The use of the dwelling for sheltered accommodation has previously been confirmed to fall within a C3(b) use class under a lawful development certificate previously issued under application DC/11/0699. The proposal would increase the total possible occupancy of the property to 6 persons through the provision of an additional bedroom. It is considered, therefore, that the application currently before the council would not introduce a level of occupancy constituting a material change of use from the existing C3(b) use class.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 18 - Retirement Housing and Specialist Care

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Pulborough Neighbourhood Plan:

Pulborough Parish has been designated as a Neighbourhood Plan Area (regulation 7) on 25th February 2014. The Council continues to work with local stakeholders to progress the Neighbourhood Plan to draft stage.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/0699	Use of property as a domestic dwelling with an element of care provided (Lawful Development Certificate - Proposed)	Application Permitted on 07.06.2011
DC/06/2815	Fell 2 Sycamore trees	Application Permitted on 10.01.2007

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

EXTERNAL CONSULTATIONS:

WSCC Highways: No Objection

- 3.2 The Local Highways Authority (LHA) considered that the proposal would not result in a severe impact on the public highway and that there are no transport grounds to resist the proposal. The LHA Officer highlighted the WSCC car parking standards of two spaces for a dwelling of this size and location, but further noted that the existing garage is not utilised for parking purposes. The LHA invited the Local Planning Authority to consider the availability of on-street parking from an amenity perspective.

PUBLIC CONSULTATIONS

3.3 **Pulborough Parish Council: Objection**

Parish Councillors considered that the proposal would not be keeping with the area and would have an impact on parking in the area. It was further highlighted that impacts on trees should be considered.

PUBLIC REPRESENTATIONS:

- 3.4 11 letters of public representation were received in objection to the proposal. The main material grounds for objection can be summarised as:-
- Insufficient off street parking provision and resulting impacts on highway operation and parking availability
 - Likely intensifications of use resulting from additional accommodation
 - Possible enhanced disruption to highway operation/parking availability due to temporary construction traffic
 - Overdevelopment
 - Proposed front rooflight would not be in keeping with the design of the Allfreys Wharf development

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Principle of Development:

- 6.1 Policy 3 of the HDPF sets out the spatial strategy for the District, and provides that development will be permitted within towns and villages that have defined built-up areas. Any development within a built-up area must be of a nature and scale that would maintain the settlement characteristics of its respective settlement.
- 6.2 The application site is located within the built-up area of Pulborough and in close proximity to local shops, services and amenities. The site, therefore, is considered a sustainable location for development as defined by the relevant spatial policies of the HDPF. Policies 18 and 42 of the HDPF would encourage the adaptation of the existing built environment to provide additional specialist care accommodation, where sustainably located relative to local services/amenities.
- 6.3 As formally approved under DC/11/0699, the application property falls into a C3 use class with the current and proposed levels of accommodation consummate with a C3(b) use (up to six people living together as a single household and receiving care) as defined under The Town and Country Planning (Use Classes) Order 1987. Whilst it is recognised that the application property is occupied in a relatively unique manner, the proposed development should be assessed within the context of a lawful use. Policies 18 and 42 would offer support to the provision of additional specialist accommodation, in principle, and it is contended that such policies would apply to supported housing accommodation defined under a C3(b) use.
- 6.4 The provision of a single additional bedroom through conversion would not be considered an unacceptable intensification of use within a built-up area, and therefore, it is considered that there would be no in principle policy objection to the proposed development; subject to all other material considerations.
- 6.5 It should also be noted that planning permission is not required for the conversion of the garage into habitable accommodation, and therefore it is unreasonable to object to its conversion.

Character, Design and Appearance:

- 6.6 Policies 32 and 33 of the HDPF (2015) stipulates that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.7 The proposed development would not seek to increase or alter the external footprint of the application property. The proposal would retain the existing garage door fronting onto Allfreys Wharf, whilst the only publicly appreciable alteration would be the installation of a front facing rooflight. Whilst it is acknowledged that no such similar example exists elsewhere in the Allfreys Wharf development, this constitutes a minor alteration within the context of the public realm and would not be deemed harmful to the modern suburban character of the development. Furthermore alterations to the rear would not be perceptible from relevant public perspectives, and therefore would have a minimal influence on the character and appearance of the dwelling and surrounding environment. It is considered that the quality and character of the Allfreys Wharf development would remain substantially unaffected by the proposal, and therefore, the relevant criteria of policies 32 and 33 would be satisfied.
- 6.8 A condition requiring the use of materials designed to match the colour and texture of existing materials No.7 is recommended in this instance to ensure a consistent appearance/finish with the existing dwelling and surrounding development.

Neighbouring Amenity:

- 6.9 Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.
- 6.10 The proposal would involve the introduction of a single rear facing window and half gazed door. Both of these elements would be positioned in relative proximity to the common boundary with No.8 although orientated towards the direct east. As these elements would be at single storey level they would not result in overlooking and would not result in any unacceptable loss of privacy to the occupiers of No.8. It is, furthermore, noted that both elements would only marginally project above 1.8m, and therefore, any vantage over neighbouring land would be significantly impeded by the presence of typical boundary treatments.
- 6.11 The proposal would not be considered to have any wider influence on the amenities of other nearby occupiers in terms of overbearingness, loss of privacy and/or natural light.
- 6.12 It is noted that neighbouring representations have sought to highlight the proximity and impact of existing trees on the amenities of No.8, however, it should be noted that these trees are not subject to this application and, therefore, not a material consideration in the determination of this application.
- 6.13 As outlined above, with the conversion of the garage, the use of the property would still be classed as dwellinghouse within Class C3. As such, planning permission is not required for the use of the garage as an additional bedroom. Consequently, the use of the property and any resulting impact in terms of increased noise is not a material consideration in the determination of this application. Notwithstanding, the use of this dwelling by 6 people is considered appropriate and commensurate to the use of the property by a large family.

Highway Operation and Parking:

- 6.14 Policy 40 of the HDPF stipulates that transport access is crucial to the performance of the local economy. Development will be supported if appropriate in scale to existing transport infrastructure and located in areas with a choice of modes of transport available. Development must provide safe and suitable access for all highways users, including pedestrians, vehicles and cyclists.
- 6.15 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.16 As noted above, planning permission is not required for the conversion of the garage into habitable accommodation. As such, parking and highway implications are not a material consideration in the determination of this proposal.
- 6.17 Notwithstanding this the existing garage measures 7.8m in depth and 2.8m in width. The applicant has confirmed that the garage is currently utilised for storage purposes, and therefore, makes no contribution to the property's parking availability. The dwelling otherwise benefits from a single off-street parking space.
- 6.18 It is acknowledged that a single dedicated off-street car parking space would fail to satisfy the calculated demand of two off-street spaces for a 6 bedroom dwelling, however, this would remain the case for the 5 bedroom dwelling at present. The provision of a single additional

bedroom would not be considered to result in a significant intensification of parking demand, and as such, is not deemed a material change from the current arrangement.

- 6.19 It is recognised that several neighbouring representations have sought to highlight inadequacies in the current parking arrangement, however, there is some availability of on-street parking in the vicinity of the application site and no relevant parking restrictions on Lower Street. Furthermore the use of public transport is a viable alternative to the use of the private car in this location, with sufficient space retained within the garage to facilitate the storage of cycles if necessary. As highlighted by the response of the Local Highways Authority it is considered that the proposal would not result in a severe impact on highway safety or operation. Overall, whilst a limited intensification of parking demand is likely, the requirements of policy 41 must be balanced against the planning merits of the proposal as a whole. In this instance, as other policy criteria are satisfied, it is considered unreasonable to resist the development on the sole basis of a limited intensification of parking demand.

Conclusions:

- 6.20 The proposed development is situated within the defined built-up area boundary and would constitute a form of development that is supported by policies 18 and 42 of the HDPF, being well located relative to local services and amenities. It is considered that the current and proposed level of accommodation would not result in a significant intensification of use or constitute a material change of use from the property's current C3(b) use.
- 6.21 The proposal would result in minimal built alterations to No.7 that would not be considered harmful to the character or appearance of the existing dwelling and its surroundings. The addition of glazed openings to the rear of the existing garage would not result in an unacceptable loss of privacy to the occupiers of the adjoining No.8.
- 6.22 Whilst the provision of a single bedroom may result in a minor increase in parking demand, this is not considered an intensification likely to compromise existing car parking arrangements or the fundamental operation and safety of the public highway. It is considered that there is sufficient capacity in on street parking in the vicinity of the application site to accommodate the needs of prospective occupiers, with any unlawful parking subject to separate regulation under relevant statutory authorities.
- 6.23 Overall, therefore, it is considered that the proposal satisfies the relevant policies of the development plan and is recommended for approval accordingly, subject to the conditions recommended below.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following conditions:

1 Plans condition

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 7 Allfreys Wharf, Pulborough, RH20 2BN as a dwelling.

Reason: The establishment of an independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).