

MID SUSSEX DISTRICT COUNCIL

Planning Committee

29 MAY 2019

RECOMMENDED FOR REFUSAL

East Grinstead

DM/18/4711



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**78B WEST STREET EAST GRINSTEAD WEST SUSSEX RH19 4EJ
CONVERSION OF 2NO FLATS TO FORM 1 DWELLING AND RETURN
THE PROPERTY TO ITS ORIGINAL STATE.**

MR JAMES COX

POLICY: Ashdown Forest SPA/SAC / Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 30th May 2019

WARD MEMBERS: Cllr John Dabell / Cllr Neville Walker /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is considered to have a neutral impact upon the character of the area, neighbouring amenity and highways and parking.

It is noted that the proposed two bedroom single dwelling would comply with the current national dwelling space standards; however they should only be used for new dwellings. While it is not considered sufficient evidence has been put forward as to why the existing flats cannot be adapted to improve access, thermal and acoustic insulation.

The proposal would result in the loss of a single residential unit and so is contrary to the overall strategy of the development plan in respect of housing supply as well as the requirements of the NPPF, in particular Paragraph 59 which seeks to significantly boost the supply of housing, while adversely affecting the Council's 5 year housing land supply and therefore is recommended for refusal.

RECOMMENDATIONS

Recommend permission be refused for the reason outlined in Appendix A.

SUMMARY OF REPRESENTATIONS

East Grinstead Society:

No objection.

No third party letters of representation have been received in regards to this application.

SUMMARY OF CONSULTEES

Street Naming and Numbering:

info 29

INTRODUCTION

This application seeks planning permission for the conversion of 2no flats to form 1 dwelling and return the property to its original state.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The application site is formed of a detached two storey period dwelling, set within a modest sized plot on the southern side of West Street. The immediate vicinity of the site is residential in character, but becomes more retail in nature the closer to the town centre you get. The application site is bounded by 74 West Street to the eastern (side) elevation and 80 West Street to the western (side) elevation.

The surrounded residential dwellings comprise of a mixture of detached, semi-detached and terraced dwellings included flatted development, most notably 89 to 95 West Street opposite the application site.

The site is located within the Built up Area boundary of East Grinstead.

APPLICATION DETAILS

The proposed plans show internal alterations in order to revert the building's layout back to a single dwellinghouse. The existing staircase is to be removed and relocated, with the reinstatement of the front door and the removal of the two rear doors and a window and replacement with bi fold doors, also at first floor the central window is to be reinstated.

The proposal would form two bedrooms, ensuite and bathroom at first floor and an open plan kitchen, dining room and snug as well as a WC and utility room at ground floor.

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

The District Plan was adopted on 28th March 2018.

Relevant policies include:

DP4: Housing

DP26: Character and Design

DP27: Dwelling Space Standards

East Grinstead Neighbourhood Plan 2016

EG3 - Promoting Good Design

National Planning Policy Framework (NPPF) (February 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "significantly boosting the supply of homes"

Paragraphs 10 and 11 apply a presumption in favour of sustainable development.

Paragraph 11 states:

'For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

However, paragraph 12 makes clear that:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 15 states:

'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.'

With specific reference to decision-taking, the document provides the following advice:

Paragraph 38 states that: *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

The main issues that need to be considered in the determination of this application are as follows;

- The principle of development;
- The impact upon the character of the area;
- The impact upon residential amenity;
- Quality of accommodation;
- Highways and parking
- Planning Balance and Conclusion

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) *The provisions of the development plan, so far as material to application,*
- b) *Any local finance considerations, so far as material to the application, and*
- c) *Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes 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.'

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan for the application site in this part of the District consists of the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan.

A High Court judgment in the case of Richmond upon Thames LB v SoS & another 28/03/2000 established that the amalgamation of two or more residential units into one unit may constitute a material change of use such to require planning permission.

The Council has over a long period of time sought to maintain and increase housing supply. District Plan Policy DP4 sets a minimum housing provision figure for the plan period. Paragraph 59 of the NPPF sets out the expectation that local planning authorities should boost significantly housing supply. Therefore whilst there is no specific development plan policy on the issue of loss of residential units, in general terms the proposal can be seen as contrary to the overall strategy of the development plan, while adversely affecting the Council's 5 year housing land supply.

In accordance with the law it is however necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance the Plan. In this respect the applicant has put forward supporting information which can be summarised as follows:

- The existing flats are poorly subdivided- lack of thermal and acoustic insulation;
- Flats undersized for current local and national space standards;
- Majority of surrounding properties single dwelling units;
- Town centre has oversupply of flats;
- Stairs don't meet current building regulations accessibility standards or Part K

Impact on character of area

Policy DP26 states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the

distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

A similar ethos is found within Policy EG3 of the East Grinstead Neighbourhood Plan.

It is stated that the existing dwelling was constructed around 1870 when it formed a row of cottages, with this being the only remaining one left. The property was then converted into 2no 1 bedroom flats in the 1960's. Minor external changes are being proposed, as such, it is not considered that there will be any adverse impact upon the character of the area arising from the use of the site as a single dwelling house. Although the majority of surrounding properties are single residential dwellings, there is also a mixture of flatted developments within the street scene; as such it is not considered the conversion back to a single residential dwelling would enhance the character of the street scene.

Impact upon residential amenity

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and

noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The use of the building for its originally built purpose as a single dwelling is not considered to give rise to any adverse impacts upon neighbouring residential amenity.

Quality of accommodation

The proposed accommodation for a single dwelling is considered to be of a good standard and would meet the nationally described space standard in accordance with policy DP27.

The ground floor flat is 5.5 square metres below the nationally described space standards, with the bedrooms in both flats not meeting the minimum size requirements. However, within the Technical housing standards- nationally described space standards it states:

'The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use.'

As such these standards should not be used to justify the loss of an existing residential unit as the bedrooms are not in full compliance with the current standards and the ground floor flat being 5.5 square metres below current regulations. Taking this approach could lead to further loss of residential dwellings as the space standards have changed over time.

Issues were also raised regarding the access for the first floor flat and the acoustic and thermal insulation. It is not considered that sufficient evidence has been provided as to why these issues cannot be addressed.

Highways and parking

The proposal is not considered to give rise to any increase in traffic movements or additional parking demand. The application can therefore be deemed as compliant with policy DP21.

Oversupply of flats

The applicant has claimed that there is currently an oversupply of flats within the centre of East Grinstead. Nonetheless, the preamble to Policy EG7 of the East Grinstead Neighbourhood Plan states:

'The HEDNA notes at Table 28 that Mid Sussex has the lowest stock of 1-2 bedroom dwellings and 2-3 bed dwellings are also below the West Sussex, South East and England average. Family homes that are larger executive homes of 4 + bedrooms are well above the West Sussex, South East and England average. Consequently, it is considered appropriate to encourage smaller homes through Policy EG7.'

As such this is seeking to boost the supply of 1-2 and 2-3 bedroom dwellings within East Grinstead, whereas the proposal would result in the loss of a 1 bedroom unit.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is considered to have a neutral impact upon the character of the area, neighbouring amenity and highways and parking.

It is noted that the proposed two bedroom single dwelling would comply with the current national dwelling space standards; however they should only be used for new dwellings. While it is not considered sufficient evidence has been put forward as to why the existing flats cannot be adapted to improve access, thermal and acoustic insulation.

The proposal would result in the loss of a single residential unit and so is contrary to the overall strategy of the development plan in respect of housing supply as well as the requirements of the NPPF, in particular Paragraph 59 which seeks to significantly boost the supply of housing, while adversely affecting the Council's 5 year housing land supply and therefore is recommended for refusal.

APPENDIX A – RECOMMENDED CONDITIONS

1. The proposal would result in the loss of a single residential unit and so is contrary to the overall strategy of the development plan in respect of housing supply as well as the requirements of the NPPF, in particular Paragraph 59 which seeks to significantly boost the supply of housing, while adversely affecting the Council's 5 year housing land supply.

INFORMATIVES

1. In accordance with 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Floor Plans	200		20.11.2018
Location and Block Plan	100		20.11.2018
Proposed Floor and Elevations Plan	201		20.11.2018
Existing Elevations	300		20.11.2018
Proposed Floor and Elevations Plan	301		20.11.2018

APPENDIX B – CONSULTATIONS

Parish Consultation

As per East Grinstead Town Council Planning Committee meeting held on 4th March 2019:- Would support approval. The Committee were pleased to see an application return a home to its original feature.

East Grinstead Society:

No objection

Street Naming and Numbering Officer:

Date 19th February 2019

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at: www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Planning applications requiring SNN informative

DM/19/0207

DM/18/4711