

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: AB/111/15/HH

LOCATION: 10 Torton Hill Road
Arundel

PROPOSAL: Two storey rear extension & single storey side extension including porch.
Garage to be constructed to the west side of the house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal has two elements;

1)To demolish a small porch with a footprint of 1.5 metres by 1.5 metres to the side of the property and to replace it with a single storey porch to the front of the property and a garage to the side of the property with a utility room behind.

2)To build a two storey extension projecting 4.5 metres from the current rear elevation of the property with an eaves and ridge height matching that of the existing property and remodelling the property internally.

SITE AREA

Approx. 910 sq.m.

TOPOGRAPHY

Predominantly flat

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The hedging and small trees to the front, side and rear boundaries have been entirely removed in garden renovation works. 1.8 metre high close boarded fences exists to the side boundaries of the property and a 2 metre high wire mesh fences exists to the rear of the property facing onto a wooded area with a public footpath running through it.

SITE CHARACTERISTICS

A Victorian style 20th century modern detached two storey dwelling house on a residential road of similar properties on the south side of the A27 in Arundel. The property has a 10 metre long front garden and 30 metre long rear garden with 6 metre separation distance between the side elevations of the neighbouring property and the applicant's

property.

RELEVANT SITE HISTORY

None relevant

REPRESENTATIONS

Representations received:

Arundel Town Council

Over development

Comments on Representations received:

The residential property has a large residential curtilage and a 30 metre long rear garden and therefore has adequate space in which to accommodate the proposed extension.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
ECC SP2 Energy and climate change
mitigation

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

ADS

The Arundel Design Statement by Arundel Town
Council

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Bognor Regis and Yapton. There are no policies relevant to the proposed development within the Arundel Neighbourhood Plan.

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 conflict with Development Plan policy DEV19(ii) in that it would not be subservient, however there are other material considerations in that there would be no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, or an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable in principle subject to accordance with planning policies in the Development Plan relating to design, visual amenities and residential amenity.

DESIGN AND VISUAL AMENITY

Policies GEN 7 and DEV 19 relate to the design of new development and extension to residential properties respectively.

Policies D DM1 and D DM4 in the Emerging Arun District Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

The proposed extensions are primarily considered against policy DEV19 - Extension to existing residential buildings of the Arun District Local Plan and policy D DM4 - Extensions and alterations to existing buildings of the Emerging District Local Plan

It is acknowledged that the proposed extension is of a significant proportion. However, the detached property enjoys a large front and rear garden within a spacious plot with generous distances to the boundary. While the proposed extensions are not subservient they are well designed in terms of integration and are sympathetic in appearance.

The front and side porch and garage elevation is single storey, mirroring a similar single storey extension on the neighbouring property leaving a 1 metre gap to the boundary fence replicating that of the adjacent house.

When viewed from the rear, the two storey rear extension would appear of an identical design to that of the existing rear of the property albeit enlarged and it would be located within the current building lines of the side elevation of the property leaving in excess of 6 metre gaps to the side elevations of neighbouring properties at 8 and 12 Torton Hill Road.

Of key importance is that the proposed extensions would have an acceptable impact on the street scene and the established spatial character of the area. The applicant's property and new front and side single storey extension would be set back 10 metres from the public highway and the two storey extension would not be seen from the street other than from oblique views in gaps between the neighbouring detached properties.

For these reasons the proposed extension are considered to comply with part (i),(iv) and (v) of the policy DEV 19 and parts a.d.& e. of policy D DM4 of the Emerging Local Plan.

The proposed extensions as a whole cannot however be considered to comply with part (ii) of policy DEV 19 in that the extensions are not visually subservient to the host dwelling overall due to the significant increase in floorspace of the dwelling. Policy D DM4 of the Emerging also requires that residential extensions are visually subservient which this proposal fails to accord with,

however it does provide a high standard of residential amenity both internally and externally which is a further caveat to this part of the policy in the Emerging Local Plan.

The Town Council have objected to the proposal on the grounds of 'overdevelopment'. Given the large plot size with a 27 metre rear garden and 10 metre front garden remaining and the fact that only single storey development would encroach upon the front or side elevations of the existing property, it is considered that this objection does not take into account the mitigating factors of a sympathetic design and minimal impact on the street scene taken together with the size of the plot. A high standard of internal and external residential amenity would be maintained by this proposal for the host property.

It is considered, due to the lack of unacceptable harm to the street scene the proposed extensions while failing to comply fully, are considered acceptable in terms of design aspects of policy DEV 19 of the Arun District Local Plan and policy D DM4 of the Emerging Local Plan

RESIDENTIAL AMENITY

The proposal is considered to have an acceptable effect the residential amenity of any neighbouring properties in terms of privacy, overbearing impact or loss of daylight and sunlight for the following reasons;

There are no primary habitable room windows in the side elevation of either of the neighbouring detached properties facing towards the application site.

The Council uses a 45 degree rule to assess serious effects on neighbouring properties daylight, sunlight and overbearing impacts caused. The proposed two storey rear extension and the front and side ground floor porch and garage extension do not intersect a 45 degree line drawn from the centre of the neighbours ground and first floor windows in the rear elevation closest to their shared boundary.

It is not considered that significant harm would result from the proposed rear and side extensions and it is considered to accord with part (iv) of policy GEN7 and part (iii) of DEV 19 of the Arun District Plan and policies DDM 1 and DDM4 of the Emerging Arun District Local Plan with respect to residential amenity.

CONCLUSION

In conclusion whilst the proposal does not fully accord with policy DEV19 of the Arun District Local Plan in terms of subservience it has no materially adverse effect on the residential or visual amenities of the locality and is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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 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 a neutral impact has 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).

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 15097-01, 15097-02 dated June 2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roofs of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed above ground floor level in the north east and south west side walls of the extension without the prior permission of the Local Planning Authority in an application on that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District 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 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.