

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

REF NO: AB/120/13/

LOCATION: 3C Fitzalan Road
Arundel

PROPOSAL: Two storey extension to form bedroom and garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 1st floor extension will measure approximately 8.5m x 2.9m x 5.8m high to eaves. The front extension would measure 5.6m wide and 1.1m deep and incorporate a ground floor porch and an enlarged bedroom 3.1m in width.
SITE AREA	Approximately 285 square metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wooden fencing and trellis enclosing the rear garden to approx. 1.5m. Open to the front of the site.
SITE CHARACTERISTICS	Semi detached 2 storey property, red brick elevations. Gable red tiled roof. Flat roof garage to the side and extension to the rear of the site.
CHARACTER OF LOCALITY	The site is located within a residential area. Mix of different types and styles of properties. Fields to the rear of the site. Bungalows to the south of the site have been extended significantly. Direct neighbour to the north has a similar 2 storey extension to the side of the property.

RELEVANT SITE HISTORY

AB/60/03/	Single storey extension.	ApproveConditionally 18-06-2003
AB/50/09/	Ground and first floor extension to form a garage and bedroom.	ApproveConditionally 13-07-2009
AB/26/56	Erection of 4 2 bed houses	Approve 01-06-1956

REPRESENTATIONS

Representations received:

Arundel Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water - No Objection in principle. Proposal lies close to/over an existing public foul and applicant is advised to contact Southern Water in this regard. An informative is requested.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[DEV19](#)

The Form of New Development

Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

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

A similar first floor side extension above the garage has already been approved under AB/50/09 and this proposal seeks to amend the design, by changing the roof profile and adding an extension to the front bringing the garage forward. The materials would match the existing which would help to assimilate the extension into the existing dwelling, but the extensions would be readily visible in the street scene and given their position, design and scale they are considered to be obtusive within the street scene. The 2 storey height and forward projection of the side extension results in a prominent feature in a position where the physical presence of the building should be reduced to ensure that a terracing effect does not result. The extension would dominate the area where the first floor gap is important in the street scene. Whilst the previous extension filled this gap, it did not project forward of the dwelling. It is noted that the neighbouring property to the north No.3b has an existing 2 storey extension to the side of the property, but this does not project forward of the front elevation. Indeed it is set back slightly from the front elevation and has a lower ridge. The proposal therefore has an adverse impact on the visual amenity and the character of the area.

The extensions would not relate sympathetically to the existing character and appearance of the area nor to the existing building in terms of siting, design, form and scale and would not be visually subservient to the main dwelling contrary to policy DEV19 (i),(ii)&(v) of Arun District Local Plan.

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 (the right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal 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 no negative 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).

RECOMMENDATION

REFUSE

- 1 The proposed extension would, by virtue of its size, height, siting and position result in an unacceptably prominent and obtrusive feature in the street scene adversely affecting both the visual amenities of the application building and the character and appearance of the area. It is therefore contrary to policies GEN7(ii) and DEV19(i),(ii)&(v) of the Arun District Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.