

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

REF NO: AB/21/18/HH

LOCATION: 4 Dalloway Road
Arundel
BN18 9HW

PROPOSAL: Second storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The first floor extension would be located to the rear of the building above the existing single storey extension. It would be 4m deep, 6.8m wide and would increase the size of the bedroom in the roof at second floor and provide an additional bedroom at first floor.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing to approx. 2m to site boundaries
SITE CHARACTERISTICS	Detached 2 storey dwelling with brick elevations and a flat roofed single storey rear extension and a flat roofed garage to the side.
CHARACTER OF LOCALITY	The site is located on a section of residential road that is lined by mainly detached 2 storey residential dwellings of varying design. No 6 has a flat roofed garage to the side adjacent to the application site

RELEVANT SITE HISTORY

AB/52/03/	Dormer extension to roof and internal alterations.	ApproveConditionally 09-05-03
AB/38/98	Conservatory	ApproveConditionally 10-06-98
AB/30/97	Revised roof pitch and rooms in roof	ApproveConditionally 14-05-97
AB/34/92	Single storey extension and re-construction of garage	ApproveConditionally

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Objection - the proposed extension is unduly large and bulky creating a size of building that is out of character with the area resulting in a loss of light and appearing unduly overbearing and oppressive in the outlook for neighbouring residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

The appearance of the dwelling in the street scene would not significantly alter since the extension would in part be screened by the existing dwelling. It would only be visible obliquely. The footprint of the dwelling would not alter, but the bulk of the building would be increased. However the dwelling is located in an area where properties vary in style and size and the extended dwelling would not therefore appear out of place or overly dominant in the street scene.

Given the distances to the side boundaries with neighbouring dwellings it is not considered that materially adverse overbearing effects would result.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV19 Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Policy 1 of Arundel Neighbourhood Plan is considered relevant to consideration of this application.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have 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

The dwelling is located within the built-up area boundary in an established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed first floor and roof extension would be located behind the existing dwelling above the existing rear ground floor extension. Policy DEV19 places an emphasis on extensions being visually integrated with the existing dwelling in terms of siting, design, form, scale and materials and being visually subservient to the main building. The extension would match the height and design of the existing house. Precise materials are not noted on the plan but it is proposed that the material for the elevations is indicated as cladding. To retain control it is proposed to impose a condition relating to the materials. Although the two storey extension would increase the depth of the dwelling at first floor and above by an additional 4m (approx. an additional half of the existing depth of the dwelling) and could not therefore be considered to be subservient it would not result in material harm to the appearance of the dwelling or the area generally. The extension would be largely screened by the existing dwelling when viewed from the site frontage. The additional depth would be glimpsed from the side and the dwelling would appear deeper than others, but it would not appear overly dominant, the footprint is not being increased and the space to side boundaries is being retained which ensures that the development will not appear cramped in the street scene. Therefore the proposed extension is not harmful to the character and appearance of the surrounding area. It is not considered that the proposed development as a whole would have any adverse harm to the character and appearance of the host property or the wider area.

With regard to the amenity of adjoining occupiers the space to both side boundaries is being retained. It would be 2m to no 6 and 3.4m at its closest point to no 2 to the east, Both of these adjoining dwellings have large gardens. No 6 has a large flat roofed garage adjacent the boundary and the application dwelling has a single storey extension adjacent to the side boundary. Given these factors and that there are no proposed windows in the side elevations of the extension it is not considered the proposal would be materially harmful to the residential amenity of the occupiers of these properties. by reason of adverse overbearing or overlooking. A condition is proposed to control any future openings in the side elevations of the extension.

In considering whether an extension has adverse overshadowing/loss of light or overbearing impact, extensions should not normally project beyond a line taken at 45 degrees from the middle of habitable room floor windows. The 45 degree line is an important measure in gauging the impact of overshadowing/loss of light and overbearing impact. A strong justification needs to be put forward to set aside the 45 degree line measure. The proposal accords with the 45 degree rule in that the outlook from windows in the rear elevations of the adjoining dwellings would not fall within this line and it is therefore deemed the proposal would not result in material harm.

Therefore, in summary, it is considered that there would be no unneighbourly materially adverse harm to the living conditions of adjacent occupiers at 2 and 6 Dalloway Road or adverse impact on the visual amenities and character of the area and as such complies with policies GEN7 and DEV 19 of the Arun

Local Plan and the Arundel Neighbourhood Plan. As such the application is 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

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
Location and Block Plan Drawing 3, Existing Floor Plans and Elevations Drawing 1 and Proposed Floor Plans and Elevations Drawing 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to

achieve a building of visual quality in accordance with policy GEN7 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 in the roof or at first floor level in the east or west side wall of the extension without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 and 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 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.