

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

REF NO: AL/2/18/HH

LOCATION: Rivendell  
Level Mare Lane  
Fontwell  
PO20 3SA

PROPOSAL: Single storey rear extension to replace conservatory

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                                           |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The proposal seeks to construct a single storey rear extension to replace the existing conservatory.                                                      |
| SITE AREA                  | N/A                                                                                                                                                       |
| TOPOGRAPHY                 | Predominantly flat                                                                                                                                        |
| TREES                      | None of any significance affected by the proposed development.                                                                                            |
| BOUNDARY TREATMENT         | The front of the property has hedging along the boundary and 2 metal gates. The boundaries to either side of the property consist of hedging and fencing. |
| SITE CHARACTERISTICS       | The site is occupied by a detached house.                                                                                                                 |
| CHARACTER OF LOCALITY      | The area is within a countryside location, with several detached residential properties situated on spacious plots with varying design and styles.        |

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| <b>RELEVANT SITE HISTORY</b> |
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|           |                                                                                                                                                              |                     |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| AL/71/99/ | Reconstruction of garage and sun lounge and provision of pitched roof to rear single storey flat roof with formation of bedroom 2 with first floor roof void | Approve<br>15-10-99 |
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Relevant planning history noted

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Parish Council provided no response  
No representation from nearby occupiers

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

None

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**POLICY CONTEXT**

Designation applicable to site:

Article 4 direction

Outside Built up Area Boundary

**DEVELOPMENT PLAN POLICES**[Arun District Local Plan \(2003\):](#)

|       |                                              |
|-------|----------------------------------------------|
| GEN7  | The Form of New Development                  |
| GEN3  | Protection of the Countryside                |
| GEN2  | Built-up Area Boundary                       |
| DEV19 | Extensions to existing residential buildings |

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

|        |                                                |
|--------|------------------------------------------------|
| SD SP2 | Built -Up Area Boundary                        |
| D DM4  | Extensions & Alterations to Existing Buildings |
| D DM1  | Aspects of Form and Design Quality             |
| D SP1  | Design                                         |

[Aldingbourne Neighbourhood Plan 2016 POLICY H1](#)

|                                                 |                                   |
|-------------------------------------------------|-----------------------------------|
| Aldingbourne Neighbourhood Plan 2016 POLICY EH1 | New housing or altering dwellings |
|                                                 | Quality of Design                 |
|                                                 | Resist development outside        |

**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 plan is subject to consultation until February 23rd 2018.

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).

Aldingbourne has a 'made' neighbourhood plan which has been a material consideration during the planning process. Policy H1 and EH1 are considered relevant to the determination of this application.

### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

#### PLANNING

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

## PRINCIPLE

The proposed development falls outside of the built up area boundary. However the application seeks permission for an extension to an existing dwelling located within a residential area. Therefore the principle of development is considered acceptable subject to the accordance with relevant development plan policies. In this case the relevant policies considered are GEN7 and DEV19 of the Arun District Local Plan and policy EH1 and H1 of the Aldingbourne Neighbourhood Plan and the National Planning Policy Framework.

## DESIGN AND VISUAL AMENITY

The proposed development will be situated to the rear of the dwelling and as such will not be visible from the street scene.

The proposed extension appears well integrated and subservient to the main dwelling with the materials used matching the existing and therefore the development is not considered to have any unacceptable adverse impacts upon the spatial pattern or character of the area and accord with GEN7 and DEV19 of the Arun District Local Plan and EH1 of the Aldingbourne Neighbourhood Plan.

## NEIGHBOURHOOD RESIDENTIAL AMENITY

The proposed extension will sit at around 10.7 m long which would be around double the length of the existing conservatory which is going to be replaced. It would be just above 5m high and around 5m wide. There will be 3 sets of windows installed to the west side elevation, a set of glass doors to the south and there will also be 6 roof lights installed.

The property has an extensive sized rear garden with no properties to the rear. The proposed development is unlikely to be visible from the eastern elevation whilst there is a separation distance of around 5.5m to the boundary to the west of the property.

The proposed glass doors situated to the south will overlook the rear garden. The windows on the western side of the proposed extension will overlook the rear garden and will also view the rear wall of the neighbouring dwelling. The neighbouring property extends further south than the proposed extension and has no windows. There is also hedging and fencing which will limit the view from the neighbouring property and therefore the proposal is not considered to give rise to any overlooking or overshadowing to the neighbouring residential amenity.

Given the location and height of the proposed single storey extension and windows it is not considered there will be any unacceptable adverse overbearing, overshadowing or overlooking impacts upon the neighbouring residential amenity and therefore in accordance with policies GEN7 and DEV19 of the Arun District Local Plan and H1 of the Aldingbourne Neighbourhood Plan.

## SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions.

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| <b>HUMAN RIGHTS ACT</b> |
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## FOR APPROVAL

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.

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| <b>DUTY UNDER THE EQUALITIES ACT 2010</b> |
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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.

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| <b>RECOMMENDATION</b> |
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**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
- Proposed Elevations Plans - 07/138/006
  - Proposed Ground Floor Plan- 07/138/002
  - Proposed First Floor Plan- 07/138/004

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           The materials and finishes of the external walls and roof of the building 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           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.