

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

REF NO: AL/46/13/

LOCATION: Mount Pleasant Farm
Level Mare Lane
Fontwell

PROPOSAL: Garden room extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garden room extension is located at the rear of the property accessed from both the adjacent small hallway and kitchen/breakfast room. The extension has a depth of 2.6m and spans the existing width of this section of the house. It will be 3.1m high (to the pitch) with a lantern skylight atop. The existing roof is 4.5m in height.
TOPOGRAPHY	The site is predominantly flat.
TREES	No trees affected by the proposed development.
BOUNDARY TREATMENT	The rear boundary is significant comprising of a 1.8m high solid wall with small tree/shrub planting in front. The vegetation easily exceeds the height of the wall and the dwelling itself.
SITE CHARACTERISTICS	This large single storey bungalow was originally part of a much larger dwelling and included the now separate dwelling to the east by virtue of a join on the eastern end of the garage. The location of the lounge room extension is completely enclosed on three sides by the existing dwelling and on the fourth by the boundary treatment as described above.
CHARACTER OF LOCALITY	Level Mare Lane is located in the countryside and meets the A27 to the north and Fontwell Avenue far to the east. There are a number of large residential properties along Level Mare Lane as well as farming uses.

RELEVANT SITE HISTORY

AL/17/88	To extend existing lounge & construct new garage	ApproveConditionally 28-03-1988
AL/126/88	Extension to provide enlarged lounge, kitchen, utility room and garage	Withdrawn 03-04-1989

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AL/27/89	Extend lounge and add back porch	ApproveConditionally 02-05-1989
AL/115/89	Resubmission of AL/27/89 to extend lounge and add back porch.	ApproveConditionally 29-01-1990
AL/4/48	Erection of Dutch Barn	Approve 12-08-1948
AL/4/48/A	Revised siting of Dutch barn	Approve 07-09-1948
AL/4/48/B	Alterations and additions to agricultural cottage and garage	Approve 17-10-1951
AL/18/60	Outline for 28 dwelling houses	Refused 30-12-1960
AL/10/66	Outline application for one dwelling	Refused 14-07-1966
AL/77/72	Overhead electricity line 11 kv pole mounted transformer	Approve 08-12-1972
AL/11/78	Part demolition extension conversion and refurbishing of two cottages and adjacent outbuildings	ApproveConditionally 05-04-1978
AL/81/78	Block existing access create new access and driveway	ApproveConditionally 13-12-1978
AL/81/81	Blocking of existing access and creating new access and driveway to farm cottaage	ApproveConditionally 09-09-1981

None.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council - no comments recieved.

Comments on Representations received:

N/A.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Outside 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 but, because it predates 2004, a reduced 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 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 proposed rear extension is completely enclosed by the existing dwelling and a high brick wall supplemented by significant garden planting. There are no views into this 'courtyard' or out of it. As a result, the proposal has no impact on the amenity of neighbours. Furthermore, the extension is not visible in the streetscene but in any case is subservient to the main dwelling. This application should be approved.

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 & Block Plan" 13501/03 June 13, "Existing Plan & Elevation" 13501/01 June 13 and "Proposed Plan, Elevation, Section and Construction Notes" 13501/01 June 13.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV19 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the garden room 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 **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 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.