

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

REF NO: AL/55/26/HH

LOCATION: 37 Ivy Close
Westergate
Aldingbourne
PO20 3RF

PROPOSAL: Single storey rear extension and replacement of conservatory roof and fenestration.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Aldingbourne Parish Council - No objection.

No representation received from nearby occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Drainage Engineers - Objection.

2 - Runoff destination

2.1 Discharge to the ground is proposed via a new soakaway located in the rear garden, and we support this approach in principle, as infiltration is the highest priority in the drainage hierarchy after water reuse and aligns with Standard 1 of the National Standards for SuDS (NSfS). However, the necessary evidence to demonstrate that infiltration is viable has not been presented. Fundamental information, such as groundwater monitoring data and infiltration testing results, have not been provided. Furthermore, should infiltration be proven unviable, no alternative discharge location has been identified. Consequently, it has not been demonstrated that the site can be sustainably drained, and we object to the proposal.

2.2 To achieve an infiltration design, winter groundwater levels must be monitored to ensure that 1m of unsaturated ground is allowed for between the base of the soakaway or infiltration structure and the peak groundwater level. Ground conditions and infiltration potential are very variable in Westergate. Infiltration can be possible, but in parts, groundwater can be high or infiltration rates so low as to make infiltration unviable. This must be demonstrated by the applicant.

2.3 Standard 1 of the NSfS states that runoff from development shall be discharged to the final destination in accordance with the following hierarchy:

- 1 - Collected for non-potable use.
- 2 - Infiltration to the ground - proposed but not proven
- 3 - Discharge to an above ground surface water body - watercourse found to the northwest of the site.
- 4 - Discharge to a surface water sewer - public surface water sewer to the west and to the east of site. A

highway drain exists in Ivy Close but details are unknown.

5 - Discharged to a combined sewer - none available.

2.4 It is essential that each discharge destination is considered in strict priority order, with higher priority options fully explored and demonstrably exhausted before progressing to lower priority alternatives. Robust evidence must be provided to discount a higher priority destination. In this case, no groundwater monitoring or infiltration testing has been submitted, meaning infiltration to ground, being a higher priority discharge method, has not yet been ruled out and must be properly assessed before considering subsequent options.

2.5 There are two public surface water sewers locally, one to the east (approximately 85m, running in Westergate Street) and the other to the west (approximately 115m, running through the park and down Lime Avenue).

2.6 No evidence or permission has been provided to confirm whether discharge to the public surface water drainage system is permitted, or whether the sewer has sufficient hydraulic capacity. The applicant has not provided any further information on how they may drain the site if infiltration is later found to be unviable or whether the connection to the surface water sewer can be achieved.

2.7 The application site is in the Lidsey Wastewater Treatment Catchment Area. This catchment is the subject of a surface water management plan due in part to the recognised history of foul sewer flooding. It is important to ensure that future development does not exacerbate this problem.

4 - Extreme rainfall and flooding

4.1 At present, no modelling or supporting evidence specific to this development; such as ground investigations or drainage plans have been submitted for engineering assessment. In the absence of this evidence, we cannot assess if flood risk will be increased by the proposed development. Therefore, this application does not accord with the NPPF as set out above and we object to the proposal.

POLICY CONTEXT

Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alterations to existing buildings (residential and non-residential)
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site includes a semi-detached bungalow. The proposal is for a single storey rear extension.

With a depth of 2.35m, compliant with Arun Design Guide (ADG) guidance of a maximum of 3m semi-detached dwellings, the extension would be a subservient addition to the host dwelling. It should be noted that the extension adjoins an existing extension and would total 6m in depth. Consequently, a policy compliant rear garden depth of 10.5m cannot be achieved. However, given the existing built form and reduced depth (after discussions with the applicant) the loss of garden space would not result in undue harm to amenity. The extension would be set in line with the existing eastern flank, 1.7m away from the side boundary, compliant with ADG guidance.

The extension, and the existing conservatory, would have flat roofs. Flat roofs are commonly found on rear extensions in the locality; they would result in no harm to the character or visual amenity of the area. The large conservatory window, on the rear elevation, is proposed to be replaced with a smaller window. The new extension would be served by patio doors on the rear elevation. A small window is proposed on the east elevation, serving the previously approved rear extension. These amendments are minor and would be appropriate for their residential setting, resulting in no harm to design or visual amenity. Similarly, the proposed materials would be sympathetic to the host dwelling and locality.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regard to design and visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

Set in line with the existing eastern flank wall and built to a height of 3.2m, 0.3m higher than the existing conservatory, the extension would be no higher than the previously approved rear extension. The minor increase in the height of the extension would not have any undue overbearing or overlooking impacts on the westerly neighbour. The new extension would be entirely screened from this neighbour following the new extension roof. The proposed extension would likely breach the 45-degree rule (as described by the ADG) when applied to the easterly neighbours ground floor window. However, given the distance between the extension and dwelling, and the fact it is retained inside the flank elevations, the extension would not result in undue harm to this neighbour by way of overbearing or overshadowing.

Given the single storey nature of the proposal, the amended and new fenestration would provide views of the rear garden only, resulting in no harm to neighbouring amenity by way of overlooking.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regard to neighbouring residential amenity.

LIDSEY TREATMENT CATCHMENT AREA

The site is located within a Local Lidsey Flood Risk Area. As such, the Council's Drainage Engineers have been consulted on the proposed development.

The drainage engineers have objected on the grounds that no surface water runoff location has been provided, as required by Standard 1 of the Non-Statutory Technical Standards for SuDS (NSfS). They also objected on the grounds that flood risk may be increased elsewhere.

The proposed extension would measure 6m beyond the rear wall of the original dwelling house, the maximum depth that would be achievable under extended permitted development rights. The applicant originally applied for an extension which would exceed this but has been able to amend their scheme to reflect a development closer to that which could be achieved under said permitted development rights. It should also be noted that the proposed extension would be mostly erected on existing hard standing rather than permeable surfaces. As such, given the permitted development fallback position and that the footprint could be extended to a similar extent in the absence of planning permission, the proposal is acceptable in this instance.

SUMMARY

The proposal is in accordance with relevant development plan policies and is therefore recommended for approval, subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

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 Plan LOC
Existing and Proposed Block Plan BLK B
Proposed Floor and Roof Plan SK03 B
Proposed Elevations SK04 C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.