

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

REF NO: AL/65/13/

LOCATION: Chipperfield
Westergate Street
Westergate Chichester

PROPOSAL: Proposed demolition of existing garage and erection of additional lounge and bedroom and replacement garage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Essentially, the proposal is to demolish the existing flat roofed garage and erect in its place a new pitched roof extension to the same footprint as the existing but with a 4.2m forward projection to provide the new garage. The footprint of the existing garage will then be taken up by new living space orientated to face onto the existing garden. The building works will not extend any closer to the boundary with Orchard House but will extend 0.4m further into the applicant's garden. There is only a 0.2m change to the eaves height of the structure but the addition of the pitched roof increases the total height from 2.2m to a total height of 3.8m.

TOPOGRAPHY

The site is predominantly flat.

TREES

There are no significant trees to take account of.

BOUNDARY TREATMENT

The boundary to Orchard House to the north is a 1.7m high fence. To the front, the height is lower but there is also a hedge planted on the neighbour's side. To the other side there is a mix of 1.7m high fence and approx. 2.8m high hedge.

SITE CHARACTERISTICS

This is an existing detached dwelling with its first floor accommodation within its roof but to the same height as the neighbouring dwelling which has a more a traditional two storey appearance. The house is rendered in a cream colour with red/brown clay tiles to the roof. The existing garage is also cream rendered with a part low pitched roof (to the front) and part flat roof.

The neighbour on the affected side is Orchard House and has secondary dining room and lounge ground floor flank windows. The principal windows to these two rooms are located on the front and rear elevations with their edge set approximately 1m in from the corners.

In addition to the existing garage, there is off-street

driveway parking for a number of cars.

CHARACTER OF LOCALITY

This is a residential area located along Westergate Street, a main road in the settlement of Westergate. There is a mix of residential styles and designs - and Chipperfield does not sit on the same front building line as its two neighbours.

RELEVANT SITE HISTORY

AL/13/03/	Conversion of roof space to form 2no. bedrooms and construction of single storey extension.	ApproveConditionally 02-04-2003
AL/94/07/	Construction of conservatory on rear elevation	ApproveConditionally 12-10-2007

No comment.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council - no comments recieved.

Comments on Representations received:

None.

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water - Request an informative regarding the means of disposal of foul and surface water drainage.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
No Public Sewer; and
PD Restriction.

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 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

Policy DEV19 requires that extensions be visually subservient, sympathetically relate to and visually integrate with the existing dwelling. Extensions must also avoid adverse impacts to neighbouring properties and must not compromise the established street pattern.

The proposed extension effectively replicates the position of the existing garage but a new section forward of it (but not forward of the front building line of the dwelling). The proposed works are quite clearly subservient to the existing house and have no impact on the appearance of the dwelling in the streetscene.

The new building will be higher than the existing and is right up against the boundary, but the pitch of the roof slopes away from the boundary and there is not considered to be any impact on a 45 degree angle drawn from the centre of the front or rear near side principal windows of the

neighbouring property such that there will be no significant loss of light to the neighbour. There are no privacy concerns due to there being no windows proposed in the northern flank wall and a condition will be added to ensure no windows are added in the future.

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: 1:1250 Location Plan; Drawing No. 15/13/14 2 Existing Elevations; Drawing No. 15/13/14 3 Existing Ground Floor Plan; Drawing No. 15/13/14 4 Proposed Ground Floor Plan; and Drawing No. 15/13/14 1 Proposed Elevations.

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

- 3 The materials and finishes of the external walls and roof of the extension hereby

permitted shall match in colour and texture those of the existing dwelling house.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the northern elevation of the extension hereby permitted which adjoins the side boundary with Orchard House without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 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.

- 6 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.