

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

REF NO: AL/67/20/HH

LOCATION: Lulworth
Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: 1st floor side elevation, conversion of garage to habitable use and change of window in dormer to create balcony. Two storey detached garage with accommodation to rear

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a first floor side extension with the conversion of an attached garage to habitable space. A window to the existing rear dormer will also alter to form a balcony. There will also be a detached outbuilding constructed to the rear of the property which will form a three bay garage with habitable space above.
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RELEVANT SITE HISTORY

AL/102/08/	Ground floor extension and roof alterations/conversion	ApproveConditionally 08-01-09
AL/140/87	Kitchen and conservatory extension	ApproveConditionally 29-12-87

REPRESENTATIONS

Aldingbourne Parish Council provided no response.

3 letters of objection received from nearby occupiers

- Overdevelopment
- The extension of roofline would be detrimental to the south facing window both in light and view.
- It will impact the value of the property.
- The balcony will overlook
- The garage is contrary to a covenant on the land.
- The garage could be used for commercial or domestic use which would to strain on the access road.
- Loss of privacy from the proposed balcony and from the first floor of the proposed garage.

- Noise and disturbance from access to the garage.
- The garage would represent a separate dwelling.
- The development would set a precedent.

Comments noted and addressed in conclusion. House price and covenants are not material considerations. Planning applications can still be granted regardless of any covenant. Should a planning application be granted the applicant may still need to abide by such covenants and they could preclude the applicant(s) from implementing any grant of planning permission.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

[Aldingbourne Neighbourhood Plan 2016 POLICY H1](#)

New housing or altering dwellings

Quality of Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Aldingbourne has a made Neighbourhood Plan with policy H1 of relevance to the application. The proposal complies with this policy. Aldingbourne Parish Council are working on a new Plan which has been submitted for Regulation 14 consultation.

DESIGN AND VISUAL AMENITY

The proposal is situated to the front and rear of the property.

The dwelling is a detached two storey property with an attached double garage to the northern side. The roof above the garage sits lower than the ridge however the proposal will add a first floor above this with the height increasing to match the remainder of the dwelling. The garage will be converted to habitable accommodation and a detached garage will be constructed to the rear garden. This element will not be

visible from the wider area.

The dwelling is accessed via a slip road which runs alongside Fontwell Avenue. There is around 11.5m retained to the front boundary of the property, followed with sufficient planting separating the dwelling and road at Fontwell Avenue and as such views are largely restricted.

The extension is considered subservient to the host dwelling and whilst part of the property will increase in height, it is considered to appear well integrated and appropriate in scale to the existing dwelling. As such the alterations are not considered to adversely impact the appearance of the dwelling within the street scene.

There will be small porch constructed. This will be open in appearance with a depth of 1.5m and does not appear unduly dominant upon the front elevation.

Surrounding properties are mixed in appearance, consisting of a single storey property to the north and two storey to the south and the alteration is not considered to result in the dwelling appearing out of character with the area.

Materials will consists of tile hanging and brickwork to match with cladding to the proposed garage.

Due to the siting and design, the proposal is not considered to adversely impact the character of the area or street scene and accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal will construct a first floor to the north side of the dwelling. This will create a gable end with a barn hip to the front and rear with a hipped roof along the northern side.

The existing roof to the north is pitched to the front at 5m in height which then reduces to a flat single storey with a height of approximately 3.5m. The alteration increases the height along the full side to around 6.15m to match the host dwelling. The eaves increase by around 1.15m to 3.65m. This will add bulk to the dwelling with the addition running along the full side forming a first floor above the existing single storey addition.

Due to the design and siting of the first floor extension, it will give rise to some overshadowing to the ground floor windows located to the southern elevation of the property to the north and the additional height to the rear part of the dwelling results in a loss of some view of the sky from the windows which serve bedrooms.

Whilst an impact upon the property to the north is acknowledged, it is not considered the impacts are significant to justify refusal in terms of overshadowing or overbearing as this would mostly be experienced from bedrooms rather than rooms more likely to be used during the day. The property is already impacted as a result of the dwelling which is of a larger scale and with the proposed roof sloping away from the neighbouring property, this is considered to help to reduce an adverse overbearing/overshadowing impact.

The rear of the first floor will form a gable end with a barn hip with a window and juliet balcony which will sit just behind an existing conservatory. Due to the siting, this is not considered to give rise to adverse overlooking, with views similar to that which are already achievable from existing windows. The rear elevation also consists of an existing flat roof extension and a dormer. The dormer will replace an existing window with a door which will enable the flat roof to be used as a balcony.

Due to the siting of the balcony and the roof design to the north, the balcony is not considered to give

rise to direct views into neighbouring properties. There are also no properties to the rear and therefore whilst it will give rise to views over neighbouring gardens it is not considered views will be significant above what is already achievable.

The plans show some balcony screening however to comply with building regulations it should be at least 1m high. It is considered there should also be obscured glazed screening to the southern side of the balcony to a height of 1.7m to ensure it does not give rise to adverse overlooking to properties at this elevation and this will be secured via condition.

An outbuilding is proposed which will be situated to the rear south western corner of the garden. This is relatively large and would form a three bay garage with habitable space above. This would have a width of 8m and a depth of 6m retaining 1m to the western and southern boundary. This is relatively large with a height of approximately 5.9m and eaves to 2.5m with a pitched roof.

There is existing driveway to the front of the property however it does not currently extend to the side or rear. This therefore does have the potential to create some additional noise and disturbance as a result of a car having to drive beyond the properties to access the garage. However with no PD restrictions a garage and hardstanding could likely be constructed under permitted development and it is not considered the use of the garage by a single dwellinghouse would result in a significant increase in noise and harm to nearby occupiers.

There will be an external staircase with two dormers facing east. The dormers look towards the host dwelling and would likely give rise to views to the rear of neighbouring properties which are not currently achievable. The plans show the space is to be used as an office/storage area and as such the dormer windows will be conditioned to remain obscured glazed which is considered to help restrict adverse views.

Whilst the garage is large, its intended use is not as a separate dwelling and a condition will be included to ensure the use of the outbuilding will be ancillary to the host dwelling and therefore any proposals in the future can be controlled and impact upon amenity can be assessed.

The proposal is not considered to give rise to significant harm in which a refusal is justified by way of overbearing, overshadowing or overlooking and as such it complies with D DM1 and D DM4 of the Arun Local Plan.

TREES

There will be 4. No trees removed to allow for the garage construction however these are not protected and the site does not fall within a Conservation Area and therefore permission is not required for their removal. The tree officer has been consulted however no response was received.

SUMMARY

The development is deemed to accord with relevant development plan policies and as such is 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

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 Plan
 - Block Plan
 - Proposed Elevations - 04
 - Proposed Floor Plan - 03
 - Proposed Plans - 0

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

- 3 The two dormers windows to the east elevation of the garage/outbuilding shall at all times remain obscured glazed.

Reasons In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 of the Arun Local Plan.

- 4 The accommodation hereby permitted , including outbuilding, shall be occupied solely for purposes ancillary to the occupation and enjoyment of Lulworth as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 Balcony screening shall be constructed to the southern elevation of the rear balcony and shall

at all times be obscured glazed and to a height of 1.7m. This shall be installed prior to the first use of the balcony and be retained thereafter in perpetuity.

Reasons: In the interests of the amenity of the neighbouring dwelling in accordance with policies D DM1 of the Arun Local Plan.

- 6 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.