

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

REF NO: AL/68/17/HH

LOCATION: 4 Elm Tree Cottages
Nyton Road
Westergate

PROPOSAL: Loft conversion with dormer window to rear & single storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The rear dormer roof extension will have a gable end roof form and be centrally located in the roof slope.

The ground floor extension will have a rear facing lean to roof with roof lights and be full width.

Materials similar to that of the existing dwelling are proposed.

SITE AREA

0.02 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fence to side and rear boundaries. Dwellings either side have existing single storey rear extensions sharing the side common boundaries.

SITE CHARACTERISTICS

Mid-terraced two storey dwelling with parking to front and garden to rear.

CHARACTER OF LOCALITY

Semi-rural village location. Surrounding properties are mainly two storey terraced and semi-detached dwellings with parking to front and gardens to rear.

RELEVANT SITE HISTORY

AL/94/71

Cesspit

ApproveConditionally

30-12-1971

None relevant.

REPRESENTATIONS

Representations received:

No comments received.

Comments on Representations received:

N/A.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Consultations responses received:

DRAINAGE ENGINEERS

Please apply standard condition ENGD2A.

SOUTHERN WATER

Please apply standard informatives.

Comments on Consultation responses:

Comments noted.

The rear extension and dormer could be carried out under permitted development without the need for formal consent. As such the pre-commencement drainage condition is not deemed to be reasonable given this fall back position. As much or more surface area could be created under extended permitted development rights, leading to a similar impact in terms of surface water run off. Therefore, the condition will not be attached should permission be granted.

Southern water informatives will be included.

POLICY CONTEXT

Designation applicable to site:

Within the built up are boundary

Flood Zone 2

Lidsey Catchment Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV19
GEN2
GEN9

Extensions to existing residential buildings
Built-up Area Boundary
Foul and Surface Water Drainage

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY
EH5

Development in Flood risk areas will not be supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY H1

Surface Water Management
New housing or altering dwellings

Quality of Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement

is less than 2 years old

- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 NDP has policies relevant to this application which will be considered in the Conclusions section.

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

PRINCIPLE

The site falls within the built up area boundary where the principle of development is acceptable in compliance with saved policy GEN2 of the Arun District Local Plan 2003.

DESIGN AND VISUAL AMENITY

The extensions would not be directly visible from the street scene, so would have a limited impact on visual amenity. The extensions are modest in size and residential in character and are considered to be subservient to the appearance of the host dwelling. Materials similar to existing are proposed, as the extensions are not directly visible from the street scene it is not considered necessary to impose a materials to match existing. Furthermore, the materials are specified on the plans to be approved.

The development is considered to be acceptable in terms of design and visual amenity in compliance with saved policies GEN7, DEV19 and Aldingbourne NDP policy H1.

RESIDENTIAL AMENITY

Both adjacent neighbouring properties (3 and 5 Elm Tree Cottages) have existing ground floor

rear extensions. The extension passes the 45 degree line test to neighbouring rear windows. As such, the ground floor element of the proposal will have little impact on these properties in terms of residential amenity.

The rear dormer is not considered to be a large enough development to result in an overbearing or visually intrusive impact on neighbouring dwellings as it would sit within the existing roof slope. The rear facing windows of the dormer are not considered to increase communal overlooking of neighbouring rear gardens to an unacceptable level.

The extensions are considered to be acceptable in terms of impact on residential amenity in line with saved policies DEV19 and GEN7 of the Arun District Local Plan 2003.

SURFACE WATER DRAINAGE

The site is within the Lidsey Catchment Area and at high risk of flooding from surface water run off and ground water flooding. The rear extension and dormer could be carried out under permitted development without the need for formal planning consent. As such the pre-commencement drainage condition is not deemed to be reasonable given this fall back position. As much or more surface area could be created under extended permitted development rights, leading to a similar impact in terms of surface water run off. Therefore, the pre-commencement drainage condition as advised by the Council's Drainage Engineer will not be attached.

The application is considered to meet with the requirements of the development plan and NDP and is recommended for conditional approval.

HUMAN RIGHTS ACT

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:

187-05
187-06A
187-07A
187-08

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

- 3 **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.