

Recommendation Report for Planning Permission

REF NO: AL/82/20/PL

LOCATION: Orchard End
Denmans Lane
Fontwell
PO20 3SD

PROPOSAL: Variation of condition 2-plans condition following AL/92/19/HH. This site is in CIL Zone 3 (Zero Rated) as no increase in floor area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to alter the plans that were approved under AL/92/19/HH relating to the design and appearance of the dwelling.
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
SITE CHARACTERISTICS	The site is occupied by a semi detached property, located on a large plot.
CHARACTER OF LOCALITY	The area is in a countryside setting with houses on relatively large plots.

RELEVANT SITE HISTORY

AL/92/19/HH	Single storey side extension to an existing semi-detached property.	ApproveConditionally 10-01-20
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An application was approved in 2019 for an extension.

REPRESENTATIONS

Aldingbourne Parish Council provided no objection.

1 letter of representation was received however this also comes from the Parish Council stating no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Outside 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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site falls outside of the built up area boundary. The application seeks permission for an extension and alterations to an existing dwellinghouse. Therefore the principle of development is considered acceptable and 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.

DESIGN AND VISUAL AMENITY

The proposal seeks to vary the plans which relate to the appearance of the dwelling and approved under AL/92/19//HH.

The property seeks relatively minor changes which includes the addition of larger doors to the ground floor rear extension and removal of the rooflights to the east. There will also be an increase in height to the side extension.

The porch extension approved under AL/92/19/HH will remain unaltered and the roof will run along the front of property. This will form the side extension although this element of the extension will increase in height by approximately 0.8m to a total of 4.4m to meet with the eaves of the dwelling. The alteration remains well integrated with the host dwelling and the height increase does not result in the addition appearing unduly dominant.

There will also be a mezzanine level however these changes are internal.

The alterations proposed do not result in the dwelling appearing out of character with the area in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The side extension will increase in height from 3.6m to 4.4m. The extension is located to north of the property and due to the siting, with sufficient boundary treatment and separation distances, with no neighbours to the north or east it is not considered to give rise to adverse impacts upon amenity which will be additional to that which has already been approved.

SDNPA

The site falls outside of the South Downs National Park and as such has no direct adverse impact upon it as a result of the siting and modest scale of the proposal. The site does however fall within the 12km zone for Singleton and Cocking Tunnel which relates to the safeguard of bats. The property already has an existing permission for the works proposed, with the alterations proposed minor in nature. Due to the location of the property and scale of the proposal, it is not considered to give rise to significant impacts upon bats and there will be no increase in lighting. An informative will be included relating to the protection of bats if any habitats are found.

SUMMARY

It is recommended that permission be granted in accordance with the following conditions and informatives. These conditions reflect those attached to AL/92/19/HH and have been updated to reflect the development plan and the current proposed plans.

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 and Block Plan -P002 Rev B
 - Proposed Ground Floor Plan - P113 Rev D
 - Proposed Ground Plan - P115 D
 - Proposed Mezzanine - P117
 - Proposed Mezzanine - P118
 - Proposed First Floor Plan - P116 Rev D
 - Proposed First Floor Plan - P114 Rev D
 - Proposed East Elevation - P220 Rev D
 - Proposed West Elevation - P218 Rev C
 - Proposed North Elevation - P219 Rev C
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 materials and finishes of the external walls and roof of the building hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 4 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission AL/92/19/HH only. The applicant is advised and reminded that the planning conditions

attached to the original planning permission remain in force and must be complied with.

- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 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.