

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

**REF NO:** AL/84/13/

**LOCATION:** Denmans  
Denmans Lane  
Fontwell

**PROPOSAL:** Proposed library extension and porch extension

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION** Erection of a single storey porch extension and double height library extension to the front of the dwelling.

The single storey porch extension is infilling existing ground floor development and will continue the existing flat roof structure to the front of the dwelling. The double height library extension will have a ridge height of 7.6m and will project forward of the existing dwelling by 8m. Double height windows are proposed on the north facing elevation.

**SITE AREA** Unknown.

**RESIDENTIAL DEVELOPMENT DEN** N/A

**TOPOGRAPHY** Predominantly flat

**TREES** None affected by the proposed development.

**BOUNDARY TREATMENT** The property is located behind a very high (3m) flint and brick wall that fronts onto the highway with significant mature boundary landscaping behind.

**SITE CHARACTERISTICS** Large single storey detached dwelling in exceptionally large plot. The dwelling is not visible from anywhere outside of the curtilage and has exceptionally large grounds. there are therefore no properties that adjoin to dwelling in close proximity.

**CHARACTER OF LOCALITY** Country lane with ad-hoc substantial buildings in residential and residential care uses.

**RELEVANT SITE HISTORY**

None

**REPRESENTATIONS**

**Representations received:**

None.

**Comments on Representations received:**

n/a.

#### CONSULTATIONS

Southern Water Planning

#### Consultations responses received:

None

#### Comments on Consultation responses:

n/a

#### POLICY CONTEXT

#### 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 conflict with Development Plan policy DEV19 (ii) as the extension would fail to appear visually subservient to the host dwelling. However, the proposals are required to be assessed against the policy as a whole and harm is required to the street scene, amenity of adjoining properties and character to be contrary to the policy.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposed extension would not be viewed from outside of the site boundary given the size of the site and boundary treatment, therefore whilst it does not appear subservient to the host dwelling, this would not result in any harm to the character and appearance of the locality.

## **CONCLUSIONS**

The existing house is an extensive property in exceptionally large grounds. It is not visible from anywhere outside of the application site. It therefore makes no contribution to the character of the area. Nevertheless, this does not alter the applicability of planning policies.

The proposed porch extension is very minor in scale and is entirely in character with the scale and proportions of the existing dwelling. The proposed library is of a larger scale to the host dwelling. By reason of its design the addition fails to appear visually subservient (i) and therefore conflicts with criteria set out within Local Plan policy DEV19 (ii) and would appear as an incongruous addition.

In terms of residential amenity, the proposed extensions are located a significant distance from any adjoining buildings and will not result in any loss of residential amenity.

## **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 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 neutral 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).

## **RECOMMENDATION**

### **REFUSE**

1 The proposals, by reason of their scale, massing and design would appear as an

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incongruous and unsympathetic addition to the property neither visually integrating or appearing subservient contrary to criteria (i) and (ii) of policy DEV19 of the Arun District Local Plan appearing out of character.