

Recommendation Report for Planning Permission

REF NO: AL/84/21/PL

LOCATION: Innisfree
26 Belle Meade Close
Woodgate
Aldingbourne
PO20 3YD

PROPOSAL: Variation of condition 2 imposed under AL/23/20/HH relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applicaiton seeks to vary condition 2 which relates to the approved plans approved by AL/23/20/PL.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling, accessed via a long drive to the rear of properties in Belle Meade Close.
CHARACTER OF LOCALITY	The area is predominately residential mixed in character and design.

RELEVANT SITE HISTORY

AL/23/20/HH	Single storey ground floor rear extension and new roof to provide habitable accommodation.	ApproveConditionally 03-07-20
AL/46/95	Increase height of existing 1800mm high fence to 2250mm by the addition of 450mm sections to match existing for a length of 12.5m to southern boundary.	ApproveConditionally 11-10-95

An application for a first floor extension to the bungalow and a rear extension was approved in 2020.

REPRESENTATIONS

Aldingbourne Parish Council provided an objection.

- The development goes against the design and character of the area, and quality of design, Policy DSP1 of the Plan.

1 letter of objection from a nearby occupier.

- Rear dormer window was initially refused.
- Original privacy concerns were valid as the dormer was removed from the plans.
- It is visible from multiple windows within our property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusion.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

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

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

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 lies in the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Aldingbourne has a made Neighbourhood Plan with policy EH1 of relevance to the application. The proposal complies with this policy being located with the BUAB.

This application seeks permission to amend the design of that previously approved under AL/23/20/PL

DESIGN AND VISUAL AMENITY

There are a number of changes that the application seeks to amend.

There are minor alterations with regards to the design to the front dormers as it was noted the sill height and fire safety was not in compliance with building regulations. Whilst minor alterations to the front are proposed regarding sill height to enable a habitable floor level, the changes are minor and do not result in a visible change to the external appearance to the front elevation of the property.

The previous application proposed a ground floor extension however this is not to be built and the plans have been updated to show this. There are 3 velux that were not on the original elevations plan but approved on the floor plan. These are not considered to adversely impact upon the appearance of the dwelling, located to the rear side of the property.

The application proposes to construct a rear dormer. This is modest in size and will have a pitched roof. It does not appear unduly dominant upon the roof slope and again being located to the rear of the site, is not visible from the street scene or wider area.

Arun District Council recently adopted a Design Guide. The proposal is considered to comply with this in such that the scale, massing and positioning of the dormer is visually subservient to the existing property, appearing modest in size upon the roof slope.

The changes due to their siting and minor scale, do not result in harm upon the street scene in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The velux are to the north elevation and are situated 1.8m above finished floor level and this is acceptable to ensure that views are not readily available over neighbouring properties.

The views available from the dormers to the front elevation remain the same as that which were considered in the previous application and with 15m retained to the front boundary followed by 16.5m from the rear garden of No.25, again it is acceptable and not result in significant overlooking.

There is a PD restriction on the property which restricts the addition of dormers. This was to ensure there were no adverse views on amenity. A previous dormer proposed on the original application was removed due to the views that were available. A dormer was nevertheless constructed however has been receded into the roof slope. The window pane is set back 1m from the rear elevation of the dormer and as such views are limited. Photos were supplied to demonstrate views that were available and these are of the garden of the host dwelling. As a result, due to the design of the dormer it cannot be argued that it results in adverse views in which a refusal is warranted.

The amendments to the plans are not considered to result in adverse harm upon amenity and are in compliance with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

It is recommended that planning permission be granted in accordance with the following conditions and informatives. It should be noted that these conditions reflect those attached to AL/23/20/PL 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 with the date of the planning permission under AL/23/20/PL (3 July 2020)

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
 - Proposed First Floor Plan -21-06-GD-251-20B
 - Proposed Ground Floor Plan - 21-06-GD-251-21B
 - Proposed Elevations - 21-06-GD-251-22B

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 glazing in the dormer window shall remain in its position as approved on the plan 20B.

Reasons: To ensure no adverse overlooking upon neighbouring amenity in accordance with D DM1 of the Arun Local Plan.

- 4 Notwithstanding the provisions of Part 1 Classes A, B and C the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings including dormer windows (other than those shown on the plans hereby approved) shall be made without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1/D DM4 of the Arun Local Plan.

- 5 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.