

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

REF NO: AW/161/20/HH

LOCATION: 34 Wakefield Way
Aldwick
PO21 3RS

PROPOSAL: Two storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a two storey side extension.

RELEVANT SITE HISTORY

AW/246/19/PL	Erection of 1 No. 2 storey end of terrace house.	Refused 03-04-20
--------------	--	---------------------

REPRESENTATIONS

Aldwick Parish Council provided no objection.

2 letters of objection received from nearby occupiers

- The footprint hardly varies from a previous application that would affect the RPA of a nearby tree.
- There is no means to get access which falls under the ownership of Wakefield Way owners.
- Concerns regarding the disruption and damage to current infrastructure.
- The parking to the rear is communal and will create problems for parking.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree Officer - A TPO Oak tree overlaps the property and others could be adversely affected by the proposal. Although we are yet to have sight of the necessary arboricultural reports and plans to demonstrate that on and off-site trees have been properly considered, the likely impact on the most important of those from this proposal is likely to be severe. Whatever engineering/construction methods and above ground protection measures may ultimately be proposed, there is a risk that attaches during such incursion of root protection areas. This is especially significant where the tree in question is one of the most important locally. I recommend refusal of this scheme.

Comments noted. A plan was later submitted by the agent regarding the RPA which suggest the extension would not fall within this.

Further comments were received from the Tree Officer in relation to this plan and an objection was

sustained.

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
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
-------	---------------------------------

CONCLUSIONS

PRINCIPLE

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

Aldwick does have not a Neighbourhood Plan but does have a Parish Design Statement with the property located within Area 12.

DESIGN AND VISUAL AMENITY

The dwelling is located to end of a terrace of 7 dwellings which is side on to Wakefield Way. The proposal seeks to construct a two storey side extension to the northern elevation with the extension sited forward of the principal elevation by 1.2m. However due to the siting, the extension will only be visible from the pedestrian only access that serves the terrace as well as those opposite and as such is not considered to not considered to appear unduly dominant with views largely restricted from the main street scene.

The side addition is large with a width the same as the host dwelling and as such it is not considered a subservient addition. It is however well integrated with the use of matching materials, with the ridge height matching the host dwelling.

The surrounding properties are identical in appearance however due to the siting and design, the proposal is not considered to result in the dwelling appearing adversely out of character within the area.

Due to the siting of the extension, it is not considered to adversely impact the spatial pattern or character of the area in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed extension will have a width of 5.3m and a depth of 8.4m which retains around 3.3m to the rear elevation and 12m to the rear boundary.

1.5m is retained to the eastern boundary. This consist of a brick wall and sufficient trees and planting

with Lower Bognor Road beyond. As such, with no neighbours to this elevation and with development hidden from view from the west, it is not considered to result in overshadowing or overbearing impacts upon amenity.

There will be 2 additional windows to the front which will overlook the front of the property and pedestrian access. There will also be 2 additional windows to the first floor rear elevation. However with a garage compound located to the rear, the extension is not considered to give rise to adverse overlooking. Additional windows to the ground floor are not considered to provide views which are not currently available.

Due to the siting and design of the development, the extension is not considered to result in harm upon amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 and D DM4 of the Arun Local Plan.

TREES

There is a TPO Oak tree overlapping the property to the south east side of the property. There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012. As such, were this application to now proceed, we will not have sufficient information to guarantee such trees would be adequately respected and protected. This proposal presents a similar footprint to that submitted with previous application AW/246/19/PL which was refused and which would intrude extensively into the tree's RPA also.

Whatever engineering/construction methods and above ground protection measures may ultimately be proposed, there is a risk that attaches during such incursion of root protection areas. This is especially significant where the tree in question is one of the most important locally.

The Aldwick Parish Design Statement is not policy but as adopted guidance has to be considered as a material planning consideration. In respect of the Aldwick Road Character Area 12, the document states that existing amenity trees within the area should be preserved.

A plan was subsequently provided by the agent to show the RPA which appears to avoid the extension however the tree officer advises the use of circular Root Protection Areas is typical and usually adequate but in truth is rarely an informative representation in the built environment. In this case it clearly does not reflect the likely area which contains sufficient roots and rooting volume to maintain the tree's viability. A revised polygon which abandons the inclusion of carriageway/footway and captures much more of the existing garden and verges would be a realistic representation. It follows that this proposal would involve intrusion into the root protection area of the important off-site oak tree.

Following comments from the tree officer, the identified level of harm to the high value Oak tree is such that the proposal is in conflict with ALP policy ENV DM4 and the relevant part of D DM1.

SUMMARY

The proposed development is deemed to conflict with development plan policy and it is recommended the application be refused for the following reasons.

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

REFUSE

- 1 The extension, by reason of its position, results in significant harm to a high amenity tree, which is the subject of TPO/AW/1/20, leading to damaging compaction over the rooting area which would be of detriment to the local landscape, the character of the area and the visual amenity provided by this tree. The proposal conflicts with policies D DM1 & ENV DM4 of the Arun Local Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.