

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

REF NO: **AW/163/15/HH**

LOCATION: 1 The Dunes
 Aldwick Bay

PROPOSAL: 3 storey extension including moving living area to first floor level & 2 bedrooms
 with en-suite in the roof.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

New pitched roof with half-hipped ends. Extended integral garage with low pitched roof to front. Two storey front projection to have roof added. Fenestration changes to east elevation together with rear projection from new roof. Rear ground and first floor extension (with balcony). Two rooms in roof with extended Juliette balconies.

The original plans have changed from the original submission.

SITE AREA

800 sqm (approx.)

RESIDENTIAL DEVELOPMENT DENSITY (NET) N/A

TOPOGRAPHY

Predominantly flat though rises towards the sea.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Open to front, wall to rear/sides.

SITE CHARACTERISTICS

Two storey detached brick dwelling with low pitched roof.

CHARACTER OF LOCALITY

Mostly large two storey detached dwellings. Mix of materials and architectural style.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

3 letters of objection (including Aldwick Bay Company):-

Other properties in Dunes have hipped roofs - proposals represent a 3 storey building out of character for the street and causing overshadowing.

Appearance of east and west elevations have not been given consideration.

Site plans incorrect.

Overshadowing to neighbour.

Overlooking from some windows, balconies.

Increases length of ground floor from 9m to 18m and first floor from 5.7m to 15m.

Gable 30% wider and 2m higher.

Changes will restrict light to ground floor rooms and reduce view of beach and sea to east and south east. First floor sun room and balcony in shade until midday.

Suggest hipped ends not gable.

Comments on Representations received:

The plans have been amended to show half hip roofs and the two storey garage element reduced to single storey with pitched roof.

The roof is higher and wider and there would be an impact on the east facing ground floor window, terrace area and bedroom of the property to the west. However the ground floor window is not a main window (the main windows are large French style windows facing due south) and therefore loss of light/overshadowing/overbearing created is not sufficient to justify a refusal. There would be an impact on part of the neighbours first floor decking area/first floor bedroom. The decking area is an open terrace and partly screened by obscure panels and the bedroom has large, south facing French style windows. On the central part of the neighbours first floor decking is a rearward projecting area of living space with the majority of the walls being glazed. The introduction of the two storey element/enlarged roof adjacent to the neighbour to the west would have an impact due to the proximity of the two buildings. However the rooms all have large windows and the decking area is open.

Loss of view across someone else's land is not a material consideration.

The plans have been amended to reflect the extended neighbouring property.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within built up area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA2](#)
[DEV19](#)
[GEN2](#)
[GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

Conservation Areas
Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-

residential)
D SP1 Design
HER DM3 Conservation Areas
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD10	Aldwick Parish Design Statement
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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.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

Aldwick are not preparing a Neighbourhood Plan. However they have prepared a Parish Design

Statement. Area 1 refers to the Aldwick Bay Estate.

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 conflicts with relevant Development Plan policies in that it would not be visually subservient to the main dwelling

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 namely that whilst the extension is not visually subservient there would be 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.

CONCLUSIONS

PRINCIPLE

The site lies within the built up where the principle of extensions to residential properties is acceptable subject to complian.

RESIDENTIAL AMENITY

Objections have been received from the neighbours to the west. The extension is large and due to the provision of the roof the building would be taller and bulkier. There is no dwelling immediately to the east and consequently no impact on residential amenity in this respect.

The property to the west would be impacted due to the roof and two storey extension. However for the reasons given earlier in the report it is not considered that the impacts are so significant that they will result in sufficient harm to warrant a refusal of the application. The extension will project 4.66m at ground floor level with the first floor and roof area set back. It is possible to erect a 4m rear single storey extension under permitted development.

The amended plans show a 45 degree line projecting from the nearest rear upper floor window of number 2. The 45 degree line passes beyond the furthest extent of the proposed extension at first floor level. The ground extension would have the most impact on the ground floor east facing window of number two. This is a relatively small secondary window with the primary window being large, south facing windows providing the main source of light to that room.

Changes to the front elevation during the processing of the planning application have resulted in the extension over the garage being largely removed. This has reduced harm to amenity in this aspect.

The addition of rooms in the roof would add some overlooking to the garden of the property to the west however this is overlooked already by upstairs windows. The proposed westerly facing balcony screen will prevent overlooking between the first floor terrace areas. The neighbouring terrace area is only partly screened at present and this would allow an element of overlooking towards no.1.

CHARACTER

The extensions and enlarged roof would be visible from the street to the north, the east and the beach. The site is outside, but in very close proximity to the Aldwick Bay Estate Conservation area and it is necessary to examine the impact of the extensions on that area. Whilst it is recognised that the proposals are not subservient to the host dwelling it is noted that the other two houses in the road have been significantly extended/alterd from their original mid-century brick construction. The rendering of the property would improve the appearance of the dwelling and make it more in character with most dwellings in the area. The setting of the adjacent Conservation Area would be affected by the extended dwelling but the character and appearance would be preserved and the spacious character retained.

POLICY

The report recognizes that the rear extension is not subservient and therefore conflicts with policy DEV 19 of the adopted Local Plan. However the lack of subservience is not so sufficient to result in harm and warrant a refusal of planning permission .

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 no 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

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 1/6, 2/6, 3/6, 4/6, 5/6 and 6/6 received on 22nd October 2015 and not the plans originally received.

Reason: For the avoidance of doubt.

- 3 The southern facing balcony adjoin no 2 The Dunes shall not be brought in to use until the obscure glazed balcony screen shown on the submitted plans has been erected. The balcony screening shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining occupier in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.