

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

REF NO: **AW/168/17/HH**

LOCATION: 61 Carlton Avenue
 Aldwick

PROPOSAL: Single storey rear extension & conversion of existing garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

The proposed single storey rear extension measures approximately 6m deep, 5.8m wide and 5.1m high (max).

The proposed garage conversion provides a wet room and only involves replacement of garage doors with obscure glazed windows at high level and a similar high window in the side elevation.

Materials would match the existing property.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The property has an open plan frontage with a parking area in front of garage. To the rear there is timber fence and hedging approximately 1.8m - 2m high.

SITE CHARACTERISTICS

Detached single storey property with rooms in roof space. There is an existing rear dormer window and also an integral garage. The property is constructed of render beneath a tile roof and is set on a large plot.

CHARACTER OF LOCALITY

Residential with properties of similar scale but with varying styles. No. 63 has a long staggered single storey rear extension the nearest part being approximately 0.5m off the boundary with No.61

RELEVANT SITE HISTORY

No relevant site history.

REPRESENTATIONS

Representations received:

Aldwick Parish Council have not responded to date.

No response to public consultation

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICIES

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

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

Built-up Area Boundary
The Form of New Development
Extensions to existing residential buildings
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Aldwick does not have a Neighbourhood Plan but it has an adopted Village Design Statement which is considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 have 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application site is situated within the built up area and within established residential area where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed extension would be sited to the rear of the property and not readily visible from the road. The proposed extension is half the width of the rear elevation of the main house and is considered subordinate to the main house and retains an adequate amount of rear garden. The proposed garage conversion only replaces the garage door with a window and is not considered to have an adverse impact upon the character of the area. The materials will match the existing property.

It is noted that No.63 has a long staggered extension to the rear which extends a significant distance into the garden area.

It is considered that the proposed extension is in keeping with the character and appearance of the host property and is not considered unduly dominant on the property and as such is not considered harmful to character of the wider area.

The existing addition is set in 2m from the boundary with No.63. No.63 has a an extension approximately 0.5m from boundary with the application site and has a window in the side elevation it is not clear what the room is as blinds were drawn at time of site visit. However, this window currently overlooks the garden and rear window of No.61 and vice versa. The proposed extension will extend beyond the rear elevation of the extension on No.63 and no windows are proposed in the side elevation. Therefore, there will be no direct overlooking and in fact the proposal will remove current levels of overlooking from and too the window. Whilst the side elevation will impact upon the outlook of the side window in No.63 this is secondary window and there is a

glazed door and window in the rear elevation. The proposed extension will just impinge a 45 degree line from the window in the rear elevation of No.63, however, this technical breach is considered marginal and as such is not considered to be harmful to the outlook enjoyed by the occupiers of No. 63.

The proposed extension is situated 7m from the side boundary with No.59 and given the height, depth and siting is not considered to be harmful to the amenity of the adjoining occupiers in No.59. The garage conversion does not have any extension and the only window facing No.59 will be obscure glazed and as such is not considered harmful to the amenity of the occupiers of this property.

The proposal involves the loss of the garage space but there is space for at least two cars on the hardstanding to the front, and are of a satisfactory size therefore there are no parking implications arising from the proposed development.

In summary, the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the character and appearance of the host property and the amenity of adjoining occupiers at No. 63 and No.59. As such it complies with the planning policies in the adopted Arun Local Plan and Village Design Statement.

The proposed development is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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 IBA/467/01 & IBA/467/02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 The windows on the south elevation of the building facing No.59 Carlton Avenue shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 5 No windows (other than those shown on the plans hereby approved) shall be constructed in the north elevation of the extension, hereby permitted which adjoins the side boundary with No.63 Carlton Avenue without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.
- 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.