

## REPORT UPDATE

Application No: AW/181/15/HH

### Reason for the Update / Changes

Reason for Update/Changes:

4 additional letters of objection have been received, two of which are from the same writer. The letters are available in full on the Council's website but the relevant issues raised are summarised below:

- (1) The existing west facing en-suite bathroom was frosted glazed by the previous owners and the applicant has removed the frosted glazing film and has pretended it was never there;
- (2) The proposed new west facing window should be rejected due to it now serving a kitchen and not a bathroom;
- (3) The fact that several Marquis Way households have not objected does not imply any kind of support;
- (4) The letters of support received are not from anyone living in Marquis Way;
- (5) The applicant claims that the changes are to better maintain the property but he has not done any maintenance works to it since it was purchased;
- (6) It would be better to insulate from within rather than to add cladding;
- (7) There may be examples of cladding elsewhere in the area but none on Marquis Way;
- (8) Arun DC should issue a notice under S.60 of the Pollution Control Act to control how the construction phase is managed;
- (9) The proposed light grey cladding does not match with the existing dwelling;
- (10) The applicant is misleading people by stating that a management company director supports the application when in fact said director is not a current director and has not written in to support;
- (11) The applicant has not agreed to any management company requests in respect of potential damage to the private roads from construction works;
- (12) No planning permission should be granted unless/until the applicant has taken out liability insurance or agreed to penalty clauses; and
- (13) The design will spoil the streetscene.

The applicant has also submitted a two page addendum to his previous letter. He makes a couple of points in response to objections raised:

- (1) That the window referred to by no. 12 as always having been frosted glazed has actually only been frosted glazed since November 2012 and was previously clear glazed with a curtain/blind on the inside; and
- (2) That there are several UPVc style conservatories in the estate that are already out of character in the streetscene.

Officers Comment:

Members should note that the Local Planning Authority would not be responsible for any damage caused to private roads as a result of the construction of development which had been granted planning permission. That would be a private/civil matter to be resolved between the applicant and the estate management company.

There are no changes to the recommendation or conditions.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will**

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always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

**AW/181/15/HH**

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

**REF NO:** AW/181/15/HH

**LOCATION:** 11 Marquis Way  
Aldwick

**PROPOSAL:** The erection of a single storey extension/sun room & replacement balcony with window/door alterations to the rear, plus alterations to the existing garage & roof, a rear dormer to the main roof including new roof lights, plus additional insulated cladding to the elevations in part.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As illustrated by the submitted comparison drawing ref PL40 Rev B, the application seeks to make a number of alterations to the existing dwelling. However, in the main, these changes are considered to involve a remodelling of the existing house, a single storey rear extension and the use of timber cladding in lieu of brick on parts of the elevations. The changes in full (some of which are considered to be permitted development) are as follows:

(1) Extension of the external wall of the existing garage, up to and including the existing steel colonnade, with proposal to replace the two existing steel roller shutter doors with a full width sectional overhead garage door. This and the side wall of the rear extension represent new areas of matching brickwork;

(2) Amended hipped roof form, above the staircase as visible from the front with a replacement square topped vertical window, both matching those on the two neighbouring

properties.

(3) Amended 'Pyramidal Garage Roof form' at the back of the garage, to mimic the pyramidal form of garage roofs on Nos: 10 and 12, with adjustments in the existing roof form, where it meets the main house, to enable an adjusted internal access into the first floor bedroom over the garage. The adjusted garage roof, would be of the same overall height;

(4) An amended east facing, partially recessed, flat roofed dormer window on the garage;

(5) Retention of red facing brick on the garage/staircase tower/existing side facing chimney but introduction of pre-formed light neutral grey timber composite horizontal boarding to the remainder of the external walls (secured over additional thermal insulation);

(6) Removal of the end hip detail on the existing north facing entrance porch roof and removal of the second middle column;

(7) Alterations to the existing roof hip detail, replacing the half round red clay/concrete hip tiles with traditional mitred cut slates

(8) Replacement of all existing pvc doors and windows (where existing openings retained) with either timber or polyester powder coated aluminium;

(9) Additional high level ground floor window on the north elevation of garage;

(10) 4 new Velux roof lights within the existing roof form (all with sill heights of 1.7m above internal FFL);

(11) Replacement of existing rear facing dormers with a flat roofed rear facing dormer window;

(12) Removal of the existing balcony and replacement with a narrower curved fronted balcony with sides of no greater depth than

exists at present. The replacement balcony is approx. 1.0m narrower than the existing balcony;

(13) Two new white stretched fabric retractable awnings to the rear over the balcony, with removal of existing roof hangs;

(14) New replacement glazed sliding south facing doors, facing onto the south facing balcony at first floor level;

(15) New replacement south facing glazed doors of extended width & a single window at ground floor level.

(16) A new high level west facing window, onto the beach access path (with a sill height of 1.7m above internal FFL); and

(17) A new south facing rear single storey extension extending no more than 4 metres beyond the existing rear elevation of the house and with a lean to glazed roof and part glazed sides.

The property will decrease the number of bedrooms from 4 to 3 but there are changes to the layout and the size of some rooms. An internal lift is added as well as a ground floor gym. The single storey extension will provide a new sun/steam room with a jacuzzi.

|                                 |                                                                                                                                             |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| SITE AREA                       | 0.06 Hectares.                                                                                                                              |
| RESIDENTIAL DEVELOPMENT DENSITY | N/A.                                                                                                                                        |
| TOPOGRAPHY                      | Predominantly flat but the footpath on the western side is set higher than the ground level of the site.                                    |
| TREES                           | None of any significance affected by the proposed development.                                                                              |
| BOUNDARY TREATMENT              | 1.8m high fence to both sides. The western side fence sits atop a retaining wall. Part low brick wall with hedge beyond to the rear.        |
| SITE CHARACTERISTICS            | Existing 2.5 storey detached dwelling with rear garden that backs onto a private beach. There is hardstanding for off street parking to the |

front along with an attached double garage. A footpath providing access to the beach runs down the western side. The existing house is predominantly red brick with blue grey tiles. There is a first floor balcony on the rear which spans almost the entire width of the house. Two existing pitched roof dormers in the rear roof and one in the east facing double garage roof.

#### CHARACTER OF LOCALITY

The dwelling is located within a private residential estate comprising of detached dwellings all of a similar design/style set in medium large plots. The overriding brick colour of the estate is buff (yellow) but there are in addition to the existing dwelling, a number of others nearby in red brick. Furthermore, the majority of those dwellings which face the sea all have large balconies and roof level dormer windows.

In terms of immediate neighbours; both no. 10 (to the east) and no. 12 (to the west) have 2 ground floor and 1 first floor secondary flank windows.

#### RELEVANT SITE HISTORY

|              |                                                                                                                                                                                                       |                         |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| AW/353/14/PL | Demolition of existing & replace with 1No. detached 3 storey dwelling. New boundary enclosure to existing front car park forecourt, existing garage access & adjust position of existing street light | Withdrawn<br>04-02-2015 |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

No comments.

#### REPRESENTATIONS

##### Representations received:

Aldwick Parish Council

"OBJECTION. Members strongly objected to the application on the grounds that the proposed extension would not sympathetically relate to or be visually integrated with the existing building in siting, design, form, scale and materials; the extension would not be visually subservient to the main building; the extension would have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties and the extension would compromise the established spatial character and pattern of the street; Therefore Members agreed that the proposed extension is in direct conflict with the Arun District Local Plan 2003 Policy DEV19 (i), (ii), (iii) and (v)"

In addition, the application has attracted 13 letters of objection and 10 letters of support. The objections are as follows:

- (1) Design is out of character with the estate/adjacent properties and the house will stand out given its location at the end of Marquis Way;
- (2) Loss of privacy to 10 & 12 Marquis Way caused by the extended balcony, extended dormer & new windows in the west facing flank;
- (3) Materials should be brickwork to match not timber cladding which is out of character;
- (4) Planning conditions imposed on extensions elsewhere in the estate have stated 'materials to match .....';
- (5) Use of slate/lead on the roof will be out of character;
- (6) No bat survey submitted;
- (7) Extension of existing established rear building line & the western (side) building line to the width of the boundary;
- (8) Internal garage works suggest future creation of a ground floor apartment;
- (9) Glass roof will be noisy to neighbours when it rains;
- (10) Design changes a 5 bedroom house into a 3 bedroom house with each floor connected by a lift suggesting that the building could in future become 3 residential apartments;
- (11) Construction vehicles must not obstruct access to the beach;
- (12) Construction vehicles could damage the private roads of the estate - the applicant should take out liability insurance to cover any damage;
- (13) Construction phase will result in dust & noise to detriment of neighbours & wildlife;
- (14) Impact on the nearby Craigweil House Conservation Area; and
- (15) Safety risk to children/dogs using the footpath access to the beach.

The grounds of support are as follows:

- \* Plans are forward thinking taking consideration of access, heating & maintenance (i.e. need to protect against damage from the sea) problems;
- \* The Estate lacks variety and this is uncharacteristic of Aldwick as a whole;
- \* Existing rear fenestration is too small to be able to properly enjoy the sea front views;
- \* There will be kitchen units along the first floor west elevation thus making it difficult to get close to the proposed high level window to see out; and
- \* The ground floor extension has been designed to have minimum impact on neighbouring properties.

**Comments on Representations received:**

**OBJECTIONS**

The comments of the Parish Council are not considered to raise any specific issues but rather quote sections of Policy DEV19.

It should be noted that a number of the proposed alterations are permitted development having regard to Part 1 Classes A - C of the 2015 General Permitted Development Order (GPDO). This is particularly true of any instances of flank windows. In respect of upper floor flank windows located in a side wall or side roof slope, the GPDO only requires that these are obscure glazed if they have sill heights less than 1.7m above FFL. Therefore the proposed 4 velux windows and the high level west facing first floor kitchen window are all considered to be permitted development.

In respect of cladding, where a dwelling is not in a Conservation Area or has not had its permitted development rights removed, then the GPDO allows for external walls to have different materials as long as these materials are of a similar appearance to the existing materials. It is considered therefore that if the applicant was proposing timber cladding coloured to match the brickwork or indeed the roof (which itself is a grey colour) then the proposed cladding could be considered as permitted development. This being the case, it is

considered that the principle of using cladding is acceptable and that only the colour can be considered. The same rule would also apply to any change in the roof materials.

Finally, the GPO allows for rear dormers providing that the dormer does not exceed the cubic capacity of the roof by more than 50m<sup>3</sup>. The proposed dormer does not exceed this threshold and so would also be considered as permitted development.

With regard to the extended balcony, the design of this has been amended to create a curved design with the sides no deeper than the existing but also set 0.5m further in from the extent of the existing balcony. The added depth will only therefore be to the central part of the balcony.

With regard to the other comments (numbering as per the "REPRESENTATIONS RECEIVED" section):

- (4) Materials to match planning conditions - these conditions are imposed in cases where an applicant states that they will use matching materials. Otherwise a condition is imposed requiring samples of the proposed materials.
- (6) No bat survey - it would not be appropriate to require a bat survey for a domestic property in the urban area.
- (7) Extension of existing established building lines - it is not inappropriate to extend a dwelling at ground floor to the side or to the rear;
- (8) Potential for a ground floor apartment - this is not considered to be suggested but if members felt strongly about this then they could impose a condition to restrict the garage to the parking of cars.
- (9) Noise pollution from rain on glass roof - without any evidence to support this assertion, it would not be appropriate to raise any objection.
- (10) Potential to become apartments - a separate planning application would be required to change the use into flats.
- (11)-(13) Construction vehicles/operations - these are not considered to be material planning considerations.
- (14) Impact on the nearby Craigweil House Conservation Area - the Craigweil Conservation Area is approximately 70m to the west of the site and there are 3 further dwellings between the boundary and the site. It is not considered that the proposals will impact on the setting of the Conservation Area.
- (15) Safety risk to children/dogs using the footpath access to the beach - it is assumed that this comment relates to the construction phase (in which case, see above) as otherwise, it is not clear what the impact would be.

## **SUPPORTERS**

No comments are made with regard to the content of the letters of support. However, it is noted that none of the supporters live in the estate.

In addition, the applicant has submitted a 19 page letter of support which provides a further rebuttal of the objections that have been made and also includes a letter stating that the estate management company do not have any objections to the proposals. This can be viewed on the Council's website.

## **CONSULTATIONS**

### **Consultations responses received:**

None.

**Comments on Consultation responses:**

N/A.

**POLICY CONTEXT**

Designations applicable to site:

Within Built Up Area Boundary; and  
Tree Preservation Order.

**DEVELOPMENT PLAN POLICIES**

[Arun District Local Plan 2003:](#)     GEN2  
                                                 GEN7  
                                                 GEN12  
                                                 DEV19

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

Built-up Area Boundary  
The Form of New Development  
Parking in 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  
ECC SP2 Energy and climate change  
mitigation  
SD SP2 Built-Up Area Boundary

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no plans to create an Aldwick Neighbourhood Plan.

### **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 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**

As noted above in "OFFICERS COMMENTS ON REPS", several elements of the scheme are either permitted development or very close to being permitted development. It is considered that any decision made on this application should have particular regard to the fall back position particularly concerning the rear dormer, the cladding and the upper floor/roof level side windows.

### **CONCLUSIONS**

#### PRINCIPLE

The site is located within the built up area boundary. As such the principle of extending the property is acceptable.

#### DESIGN

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene and are visually integrated with & sympathetically relate to the existing dwelling.

The proposals will retain the existing shape and design of the house and essentially seek only to remodel and improve certain parts of it. Whilst it is true that the proposed use of cladding will alter the appearance of the dwelling and result in it being different to other properties in the streetscene, it is not considered that an in principle objection can be raised to the use of cladding due to it being permitted development. Indeed it is only by virtue of the grey colour of the cladding being different to the grey colour of the roof that it requires permission. With this in mind, it is not considered that a refusal could be sustained on the grounds of the cladding. It should also be noted that the house will still retain elements of the existing brickwork.

The rear dormer is likewise considered to be permitted development and it along with the rear extension are both largely not visible from the streetscene. The extension may be glimpsed through the gap between 11 & 12 but it is clearly a subservient well designed extension. It is not considered that the other alterations of the application are such that they fail to comply with either policy GEN7 or DEV19 as all are either subservient additions or visually integrate with the existing dwelling.

A condition is recommended to ensure that samples of the proposed roof & wall materials (including the cladding) are submitted for approval prior to development commencing.

#### NEIGHBOUR AMENITY

Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

A number of neighbours have raised concerns with the proposed upper floor/roof level side windows. However, as these have a sill height of 1.7m above FFL, they are considered to be in accordance with permitted development rights and it is not therefore appropriate to either insist that they are obscure glazed or to require their removal.

The replacement balcony will extend deeper out over the garden but this is to be balanced with the proposal to set it in further from the sides and to restrict the depth on the sides. Therefore, the occupants will only be able to stand further into the plot in the centre off the balcony thus minimising any overlooking of neighbouring properties.

Notwithstanding that the proposed dormer is permitted development, it replaces two rear facing dormers.

#### IMPACT ON THE CRAIGWEIL CONSERVATION AREA

The Craigweil Conservation Area is approximately 70m to the west of the site and there are 3 further dwellings between the boundary and the site. It is not considered that the proposals will impact on either the Conservation Area itself or its setting.

#### PARKING

The proposal will reduce the number of bedrooms in the property from 4 to 3 whilst the number of parking spaces will remain the same with a double garage and space for two further vehicles to park off the road.

## **SUMMARY**

It is considered that this proposal is acceptable having particular regard to policies GEN7 and DEV19 and the application is therefore recommended for permission subject to the following conditions.

A comment was made above in the "OFFICERS COMMENTS ON REPS" section to say that if Members were concerned as to the garage & space above being used as a private apartment that a condition could be imposed to restrict the use of the garage to the parking of vehicles only. As the garage and room above it are already in existence, it is not considered that such a condition would be reasonable.

## **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

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approved plans:

PL01 Location Plan;  
PL02 Rev A Block Plan;  
PL03 Rev B Private Estate Plan;  
PL04 Rev B Existing Roof Plan within Private Estate Context;  
PL04 Rev C Proposed Roof Plan within Private Estate Context;  
PL06 Rev B Site Plan of Existing House;  
PL08 Rev B Floor plans of Existing House;  
PL09 Rev C Elevations of Existing House;  
PL10 Rev C Proposed Site Plan;  
PL11 Rev D Proposed Ground Floor Plan in Context;  
PL12 Rev D Proposed First Floor Plan in Context;  
PL13 Rev D Proposed Second Floor Plan in Context;  
PL17 Rev F Proposed Elevations North & South;  
PL18 Rev F Proposed Elevations East & West;  
PL21 Rev C Existing Photographs (P1-P4) in Context - Sheet 1 of 3;  
PL22 Rev C Existing Photographs (P5-P8) in Context - Sheet 2 of 3;  
PL23 Rev C Existing Photographs (P9-P12) in Context - Sheet 3 of 3;  
PL30 Rev A Photographic View of Existing House;  
PL31 Rev A Photomontage Image of Proposed Entrance View; and  
PL40 Rev B Elevations of Existing House (with proposals drawn on).

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor of the eastern or western elevations of the remodelled dwelling hereby permitted 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.

- 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 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.