

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

REF NO: **AW/186/17/HH**

LOCATION: 3 Arun Way
Aldwick

PROPOSAL: Two storey side extension & internal & external alterations. This application affects the character and appearance of Aldwick Bay Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The side extension would be set back from the front of the dwelling behind the ground floor garage replacing the existing two storey side extension. The extension would have a shallow hipped roof to match the host dwelling and be of materials to match existing.
SITE AREA	0.11 hectares.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.6m wall to sides, front and rear.
SITE CHARACTERISTICS	Detached two storey dwelling with driveway to front and garden to reach backing onto the beach. The property has an existing two storey side extension and attached garage.
CHARACTER OF LOCALITY	Private residential seaside estate formed of detached two storey dwellings set back from the road with off street parking to front and large gardens to rear.

RELEVANT SITE HISTORY

AW/88/99/	Demolition of existing garage and erection of larger garage	ApproveConditionally 06-07-1999
BR/202/59	Layout of roads plots	Refused 26-11-1959
BR/202/59/G	Dwelling with garage & car port	Approve 24-09-1960
BR/370/80	Proposed extension to existing garage	ApproveConditionally

04-06-1980

Existing two storey extension granted planning consent in 1980.

REPRESENTATIONS

Representations received:

No response.

Comments on Representations received:

N/A.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer

No response.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Adjacent to conservation 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
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD10

Aldwick Parish Design Statement

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 has taking place. 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. The examination is due to re-commence in Autumn 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 Parish does not have a NDP but does have a Village Design Statement which is a material consideration.

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

Principle

The site is within the built up area boundary. As such the principle of the development is acceptable in line with saved policy GEN2.

Design and Visual Amenity

The extension would be set down from the main roof and back from the front with materials to match existing. It is not considered that the proposal would have a significant impact on the adjacent conservation area and is considered to be acceptable in design and visual amenity terms in compliance with saved policies AREA2, GEN7 & DEV19 of the Arun District Local Plan and Area 1 of the Aldwick Parish Design Statement.

Residential Amenity

The property to receive a direct impact from the proposal would be number 2 Arun Way. Number 4 would not have a direct view of the extension other than the new roof form which would have a limited impact on its residential amenities.

The extension would see the existing two storey extension extended forward at first floor level and a hipped roof included. The first floor side facing window serving bedroom 5 would look at a the blank side elevation of 2 Arun Way so provide no opportunity for loss of privacy through overlooking. The first floor side facing window serving the bathroom may give rise to overlooking of number 3's rear balcony and garden so will be conditioned to be obscure glazed and fixed shut. Proposed first floor rear windows are not considered to increase the existing level of communal overlooking to a harmful level.

The extension will be set off the boundary and have the same building line to rear as the existing extension and number 2 Arun Way. As such, it is not considered that the extension would have an overbearing impact or result in significant visual intrusion to the residential amenities of number 3 Arun Way. Nor would it result in loss of light or overshadowing as it passes the 45 degree line to

the rear windows of number 2.

The proposal is considered to be acceptable in terms of impact of residential amenity in compliance with saved policies GEN7 and DEV19 of the Arun District Local Plan.

The proposal is considered to be in compliance with the Development Plan is recommended for conditional approval.

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:-

Proposed Site Plan

Proposed Ground Floor Plan
Proposed First Floor Plan
Proposed Elevations

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 dwelling.

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

- 4 The single light first floor window (serving a bathroom) to the east side elevation of the extension shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a height 1.7m above finished floor level.

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 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.