

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

REF NO: **AW/208/17/HH**

LOCATION: 31 Queens Fields West
 Aldwick

PROPOSAL: Single storey front extension as annex for elderly relative

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Single storey front extension with shallow gable roof and lower level link to main house. The extension would house a bedroom with en-suite bathroom which would be used as an annexe for an elderly relative.

SITE AREA

0.03 hectares.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

None to front or side to number 29 Queens Fields West, 1.8m fence to west side bounding No. 1 Merton Close.

SITE CHARACTERISTICS

Detached two storey dwelling with garden to front and rear and garage to side.

CHARACTER OF LOCALITY

Open plan residential estate with playing fields opposite. The houses are mainly two storey detached and semi-detached dwellings and bungalows with open frontages, parking and gardens to front and rear.

RELEVANT SITE HISTORY

BR/62/74

Garage

ApproveConditionally

26-02-1974

Garage to side granted planning permission in 1974.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Objection.

Members strongly opposed the application on the grounds that the Proposed extension does

not sympathetically relate to and is not visually integrated with the existing building in siting, design, form, scale and materials and because the extension would not be visually subservient to the main building and because the extension would compromise the established spatial character and pattern of the street. Therefore, Members considered that the application is in direct conflict with Policy Dev 19 of the Arun District Local Plan (2003) and with the Parish Design Statement Development Criteria (page 71).

Eight letters of public representation received including one from the West Mead Residents Association and the Community Centre & Association. These object on the grounds of :-

- detrimental impact on the visual amenity of the garden estate and its open plan design,
- poor design of front extension,
- loss of light and visual intrusion to residential amenity of neighbouring dwellings,
- allowing this extension will set a precedent for large front extensions, out of character with the area.

Comments on Representations received:

Comments noted.

The officer agrees with the concerns regarding the open plan nature of the area being impacted. It is not considered that the extension would result in a significant loss of light to neighbouring dwellings. The reasons for this will be examined in the Conclusions section of this report.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Open Plan Condition

DEVELOPMENT PLAN POLICIES

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

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

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
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary

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 PC does not have a 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 conflict with relevant Development Plan policies and the Aldwick Parish Design Statement in that it would have a materially adverse effect on the visual amenities of the locality creating an adverse impact upon the established open plan 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

DESIGN AND VISUAL AMENITY

The site is located on an estate covered by an open plan condition on its original planning permission which requires formal planning consent for development to the front of dwellings which could otherwise be carried out under permitted development rights without the need for formal consent. The estate has retained its open plan character and there are no examples of large front extensions in the direct area. Front gardens are, in general, also devoid of any significant development with no or low level boundary treatments with planting. The adopted Parish Design Statement: Aldwick Parish Council June 2015 section Area 15 contains a development criteria for the area stating:-

- Existing open spaces, particularly those which contribute to the countryside aspect, should be preserved as far as possible.
- The amenity spaces and access ways should be retained and enhanced and trees lost to damage or disease should be replanted/replaced.
- The character of area should be preserved.

Saved policy GEN7 states:

"Planning permission will only be granted for schemes displaying high quality design and layout. Development proposals involving new buildings or significant extensions or alterations must be accompanied by an illustrated written analysis of the site and its immediate setting, together with its relationship with the relevant townscape, landscape, wildlife and movement characteristics of the wider area.

Development will be permitted provided it:

- demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects

and enhances local distinctiveness; "

Saved Policy DEV19 States:-

"Planning permission will be granted for extensions to existing residential buildings, provided that:-

(i) the extension sympathetically relates to and is visually integrated with, the existing building in siting, design, form, scale and materials;

(v) the extension does not compromise the established spatial character and pattern of the street."

The extension is considered to be significant in scale and to the front of the host dwelling, as such would be at odds with the character of the area and the character and appearance of the main dwelling. There are no significant front extensions to neighbouring dwellings. It is considered that the extension, if built would harm the open plan character of the area and its countryside aspect failing to preserve its character.

Therefore, the extension by reason of its location and scale is considered to harm the established open plan character and pattern of development in the area contrary to saved policies GEN7, DEV19 and Area 15 of the adopted Parish Design Statement: Aldwick Parish Council June 2015.

RESIDENTIAL AMENITY

1 Merton Close is the only neighbouring dwelling to receive a direct impact from the extension, Number 29 Queens Fields West is set back from the host dwelling so will receive a limited impact from the extension.

The extension would be single storey in scale with a shallow gable end roof which recedes away from the common boundary with 1 Merton Close. Whilst it would have a significant front projection of over 5m it is not considered that as a single storey extension it would be high enough to have a significantly detrimental impact on the amenities of the nearest property of 1 Merton Close.

The application is considered to be acceptable in terms of impact on residential amenity in compliance with saved policies DEV19 and GEN7.

The application is considered to conflict with the Development Plan and is recommended for refusal for the reason stated below

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation

for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 location and scale is considered to harm the established open plan character & pattern of development of the area and the character and appearance of the host dwelling contrary to saved policies GEN7, DEV19 of the Arun District Local Plan 2003 and Area 15 of the adopted Parish Design Statement: Aldwick Parish Council June 2015.
- 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.