

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

REF NO: AW/227/21/HH

LOCATION: 19 Fernhurst Gardens
Aldwick
PO21 4BA

PROPOSAL: Erection of a proposed dormer

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The dormer would be on the north-west roof slope. It would be 11.5m in length, 2.9m maximum depth, and 2.5m in height with a flat roof. It would have white clad elevations and white UPVC framed windows.

RELEVANT SITE HISTORY

BR/28/56/A	2 Detached Bunaglows Or Semi Bungalows	ApproveConditionally 09-02-57
BR/28/56/F	2 Det Chalet Bungalows	Approve 03-03-65
AW/11/16/HH	Porch to side elevation	ApproveConditionally 09-03-16
BR/28/56/D	2 Dwellings	ApproveConditionally 17-09-64

REPRESENTATIONS

Aldwick Parish Council - No objection.

No other letters of representation were received.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None consulted/none received.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Pagham Harbour Zone B

2km Bognor Reef and Pagham Harbour SSSIs

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

SITE DESCRIPTION:

The property is a detached 1.5 storey chalet bungalow with brick at ground floor, white plastic horizontal panels at first floor and a tiled roof. There is a single storey side extension on the north-west elevation, constructed of brick with a glazed mono-pitched roof. There is a single storey glazed front/side porch extension on the south-east elevation (approved in 2016). The property has a recessed dormer in the north-west roof slope. The property benefits from an off-street integrated garage, driveway parking for a total of 2-3 cars and a rear garden.

SITE CONTEXT:

Suburban character, outskirts of Bognor Regis/Aldwick. Residential cul-de-sac comprising detached two storey dwellings and 1.5 storey chalet bungalows of various designs and character in medium size plots, with enclosed front gardens and on-site parking. It forms a pair of detached chalet bungalows (17a and 19 Fernhurst Gardens) of similar design, approved and built in the 1950s/60s.

VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the

site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, residential amenity impact and scale. ALP policy D DM4 sets out requirements for extensions and alterations to existing buildings, including that they should; sympathetically relate to and visually integrate with the building, be visually subservient to the main building, if the area is characterised by gaps between buildings at first floor then any first floor extensions maintain a 1m gap to the side boundary, and that extensions and alterations do not compromise the established spatial character or pattern of the place.

Section M of the adopted ADC Design SPD (Jan 2021) provides detailed advice regarding extensions including; "Extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form. This is best achieved through simple and unobtrusive design. In addition it states, "The scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form, with extensions of over 50% of existing floorspace unlikely to be considered acceptable (Figure 274)."

Aldwick does not have a Neighbourhood Plan but the Aldwick Parish Design Statement (2015) is relevant. It identifies the property as being within Character Area 5, the character of which is described as "The area is a mixture of early to mid 20th century houses with large gardens however the area has been peppered with large and small infills of 1960s/1970s houses and bungalows". Under Development Criteria it states "new...extensions should be visually subservient and relate to the existing building and not vary significantly in height or bulk from those nearby" and "Any roof re-design should be sympathetic and in keeping with the character of existing properties" and "The character of area should be preserved."

The new dormer is to be clad in white UPVC to match the existing house and white UPVC window frames. The use of these materials would ensure a sympathetic appearance in relation to the building, and would accord with Arun Local Plan policies D DM1 and D DM4, the ADC Design SPD and the Aldwick Parish Design Statement in this respect. The insertion of a white clad dormer (instead of the use of tile hung elevations to the dormer to match the roof) in a brown tiled roof would mean the new development would be noticeable in the roofscape.

The scale of the dormer would be such that it would extend along almost the entire length of the north-west roof slope. It would be set low just above the eaves line and its height would extend over 50% of the height of the main roof.

By reason of its length, depth projection and height, the roof extension would fail to appear visually subservient in scale to the main dwelling, and would appear as a dominant form, contrary to Arun Local Plan policies D DM1 and D DM4, the ADC Design SPD and the Aldwick Parish Design Statement, in this respect.

The dormer would be highly visible within the street scene. The resulting roof form would not reflect the roof form of the adjacent property, no.17a, and would unbalance the existing symmetry that exists and harm the appearance of this pair within the street scene.

The dormer's overall mass and bulk would appear visually prominent and obtrusive in the street scene. Whilst there are a number of other side/front dormers in the area of Fernhurst Gardens, these are all of a much smaller scale and subordinate to the main roof.

In conclusion, the roof extension, by reason of its positioning, scale and bulk would fail to respond to and complement the existing character and appearance of the building and wider townscape and would result in some harm to the visual amenity of the street scene and area. The proposals would thereby conflict

with policies D SP1, D DM1 and D DM4 of the Arun Local Plan, the ADC Design SPD and the objectives of the Aldwick Design Statement.

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."

Notwithstanding the visual harm and conflict with the Development Plan identified above, in this case there is a other material consideration which indicates that a determination otherwise than in accordance with the Development Plan may be appropriate. This other material consideration is what is allowed under Permitted Development rights, as set out in the General Permitted Development Order (2021). Under Part 1, Schedule 2, Class B of the GPDO, roof extensions are permitted development if they meet certain tests. This current application scheme fails to comply with test (c) which requires any window inserted in a wall or roof slope forming the side elevation of the dwelling to be (i) obscure glazed and (ii) non-opening up to a height of 1.7m above finished floor level (to avoid overlooking impacts), since the proposed new side-facing bedroom window would be clear glazed and openable. However, notwithstanding this, in the absence of any apparent historic planning condition removing PD rights from this property, the PD rights would form a 'fall-back' position and material consideration in the determination of this current application. It is acknowledged that under PD, a dormer of a similar scale if not larger (up to 50 cubic metres additional to original roof space) than that currently proposed (approx. 41 cubic metres) could be permitted, and that this would result in the same if not greater visual harm to that currently proposed.

As such, although visual harm and conflict with policies in the Development Plan is identified as a result of this scheme, the permitted development rights for roof extensions would provide a fall-back position and material consideration in this case which means the application is to be determined otherwise than in accordance with the Development Plan, and is recommended for approval.

RESIDENTIAL AMENITY:

Policy QE SP1 of the Arun Local Plan requires development contributes positively to the quality of the environment and ensures development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) of the Arun Local Plan requires development has a minimal impact to users and occupiers of nearby property/land e.g. by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

NPPF para 127(f) requires decisions to create places with a high standard of amenity for existing and future users.

The ADC Design SPD sets out amenity requirements, including the 25 and 45 degree tests for daylight loss and minimum separation distances to avoid overlooking etc.

The dormer would be on the north-west roof slope nearest 21 Fernhurst Gardens. This neighbouring property has a number of side-facing ground and first floor windows, some of which serve habitable rooms (living rooms and bedrooms). The ADC Design SPD 25 degree test for daylight/sunlight impacts (and which can inform outlook impacts) has been undertaken, taking a horizontal line extending back from the centre point of the lowest windows at 21 upwards at 25 degrees to check if the development would breach this line. Although this 25 degree line would be breached by the dormer it would only be minimally breached. It is concluded that the impacts on daylight/sunlight levels and outlook to these neighbours windows would not be significant or substantially harmful.

In terms of overlooking and loss of privacy, the new dormer would face toward the ground and first floor side-facing windows of 21 and the dormer would contain 3 windows (2 serving bathrooms and 1 serving a bedroom).

The new bathroom windows (serving non-habitable rooms) could be conditioned to be obscure-glazed to avoid any generally harmful overlooking impacts to the side windows of 21.

However, the new bedroom window could not be conditioned, since it would be the only window serving this bedroom (habitable room) and so would need to be clear-glazed to provide decent light levels and quality of accommodation to its occupants. The addition of this window could present potential overlooking. However, it is noted the existing recessed dormer to be replaced already contains clear-glazed windows providing views towards 21. The bedroom window would face partly toward the 'blind' side elevation of the two storey rear extension at 21 and partly over and across the single storey rear conservatory to 21. Whilst there is a rear window on the rear elevation of the two storey rear extension at 21 the new bedroom dormer window would be positioned in such a way that it would only provide very oblique angles of view and no direct angles of view into this neighbouring first floor rear window. The new bedroom window would provide some further overlooking down into the rear conservatory of 21 but this situation exists to some degree and the difference as a result from this proposal is not considered to be substantial or significantly harmful.

The proposal could be considered to result in an overall reduction in overlooking to the side windows of 21, if the existing clear glazed side facing windows to the existing dormer to be replaced where to be replaced with obscure glazed bathroom windows in the new dormer.

The proposals would have an acceptable impact on neighbour amenity, in accordance with the NPPF, policies QE SP1 and D DM1 of the Arun Local Plan and the overall objectives of ADC Design Guide.

SUMMARY:

The proposals would have an acceptable impact on neighbouring residential amenity. The dormer, by reason of its siting, scale and form results in harm to the appearance of the building, visual amenity of the street scene and character of the area. The proposal conflicts with policies D SP1, D DM1 and D DM4 of the Arun Local Plan, the ADC Design SPD and the objectives of the Aldwick Design Statement. Although visual harm and conflict with policies in the Development Plan is identified as a result of this scheme, permitted development rights for roof extensions provide a fall-back position and material consideration which means the application is to be determined otherwise than in accordance with the Development Plan, as per S38 of the Act. It is therefore recommended 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 (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.

CIL DETAILS

This application is for under 100sqm extension so would not be CIL Liable.

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 dormer plans and elevations (dated June 2021)
 - Site Location and Block Plan (dated June 2021)
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.
- 3 The two bathroom/shower room windows in the dormer at first floor level in the north-west roof elevation of the building shall at all times be and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and QE SP1 of the Arun 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 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.