

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

REF NO: AW/264/17/HH

LOCATION: 18 The Fairway
Aldwick

PROPOSAL: Single storey rear extension & first floor side extension. This application affects the character & appearance of the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Forward facing steep gable end first floor side extension, over existing garage with tiled roof, and roof lights. Mock Tudor timber beams with plaster and UPVC windows to front and rear elevations. The rear extension would be single storey with a tiled hipped to flat roof and rendered walls. Located to the rear of the existing garage.

SITE AREA

0.13 hectares.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fence to east side boundary, 2m wall to west side boundary, no boundary treatment to front.

SITE CHARACTERISTICS

Detached two storey dwelling with hipped thatched roof and attached garage with barn hipped thatched roof to side. Large rear garden to rear and parking and garden to front. The property is a building of special character.

CHARACTER OF LOCALITY

Private residential estate formed of detached two storey dwellings, this section of the state is formed of dwellings with thatched roofs, set back from the road with parking to front. Some are clad with timber and others decorated with wood beams and render to give a mock Tudor appearance.

RELEVANT SITE HISTORY

BR/927/84/T

To fell Macracarpa trees

ApproveConditionally

14-11-1984

BR/804/84

Proposed utility room carport and alterations
to driveway

ApproveConditionally

14-11-1984

Existing garage with car port to front granted conditional planning permission in 1984.

REPRESENTATIONS

Representations received:

No comments received.

One letter of no objection only referring to the rear extension from The Aldwick Bay Company stating:

The proposed rear extension will improve the accommodation, add character to the property and the proposed elevation changes will improve the street scene in The Fairway and not affect the neighbouring properties.

We confirm that provided the materials and detailing match those already used on the house then we have no objection to this application.

Comments on Representations received:

Comments noted. The rear extension element of the proposal is considered to be acceptable.

CONSULTATIONS

Conservation Officer

Consultations responses received:

CAAC

Insufficient information on the application for first floor extension. Single storey extension is poorly designed and doesn't relate to the appearance of the roof of the house.

Comments on Consultation responses:

Comments noted.

The officer does not agree on the objection to the design of the single storey extension, there are flat roof sections of the existing house and it would not be directly visible from the street scene. As such it would have a limited impact and would preserve the appearance of the building and conservation officer.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Conservation Area
Building of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

AREA2
DEV19
GEN2

Conservation Areas
Extensions to existing residential buildings
Built-up Area Boundary

Publication Version of the Local
Plan (October 2014):

GEN22
GEN7

Buildings or Structures of Character
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 DM2 Locally Listed Buildings or
Structures of Character
HER DM3 Conservation Areas
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
SPD2

Aldwick Parish Design Statement
Conservation Areas

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 and is 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.

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. The examination was completed in September 2017.

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. 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 made NDP but do have an adopted Parish design statement. The development is considered to conflict with AREA 1 of the design statement, reasons for this will be established in the Conclusions section of the report.

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 in that it would have a materially adverse effect on the visual amenities of the conservation area and host dwelling as a building of special character.

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

VISUAL IMPACT

The rear extension element of the development would have a limited impact on the host dwelling and conservation area as it is located to the rear of the dwelling and not highly visible from the street. Furthermore, whilst the roof form is not directly in character with the main house, there are flat roof sections on the existing dwelling. As such, it is considered that the rear extension would be acceptable in terms of visual amenity and would preserve the appearance of the host dwelling and conservation area.

The first floor side extension would be visible from the street scene and have a significant impact on the visual amenity of the building of special character and conservation area.

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:

(ii) 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;"

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;

(ii) the extension is visually subservient to the main building;

(iii) the extension does not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;

(iv) in streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level does not come to within a minimum of one metre of the side boundary;

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

Saved policy AREA 2 which specifically covers conservation areas states:

"Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting. "

And 'Buildings of Special Character' saved Policy GEN22 states:

"Planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted."

The first floor extension is considered to be overly large and lacks a thatched roof type, which is considered to be required on this property and group of dwellings in this area. Given the excessive size of the side extension it competes with the main house and existing forward facing gable, detracting from the host property and conservation area's special character and having an

unbalancing impact on the appearance of the dwelling. Area 1 of the Aldwick Parish Design Statement states:

"Development should not be permitted unless it preserves or enhances the character or appearance of the conservation area.

-Integrate with and, should where possible, enhance adjoining land-uses and minimise potential conflicts between land-uses and activities.

-The extensions should sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials.

-The extension should be visually subservient to the main building and must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties."

The first floor side extension is not considered to be sympathetic to the design of the host dwelling in terms of scale, design or materials (a tiled roof is proposed, not thatch). Overall, the development fails to preserve or enhance the appearance and character of the existing building of special character or the visual amenity of the conservation area in conflict with saved policies GEN7, GEN22, DEV19, AREA2, SPG: Conservation Areas and the Aldwick Parish Design Statement Area 1 and paragraph 133 of the National Planning Policy Framework planning permission must be refused in this instance.

RESIDENTIAL AMENITY

The extensions would only have a direct impact on number 17 Aldwick Road as the extensions would be to that side of the dwelling. Number 17 has no side facing windows and the development would pass the 45 degree rule to the habitable room windows of that dwelling. Number 17 also has an existing two storey side extension which would negate the impact of the first floor side extension. It does have a side facing dormer window in the roof but given the side extension would be set away it is unlikely there would be a significant loss of light from the window. The extensions are considered to be acceptable in terms of impact on residential amenity in compliance with saved policies DEV19 and GEN7.

The application is recommended for refusal for the following reason:

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 side extension by reason of its excessive scale, design, form and tiled roof treatment would have a detrimental impact on the character and appearance of the building of special character and the visual amenity of Aldwick Bay conservation area contrary to saved policies GEN7, GEN22, DEV19, AREA2 of the Arun District Local Plan 2003 adopted Supplementary Planning Guidance: Conservation Areas October 2000, Area 1 of the Aldwick Parish Design Statement June 2015 and paragraph 133 of the National Planning Policy Framework.
- 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(s) for the refusal, approval has not been possible.