

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

REF NO: AW/290/25/HH

LOCATION: 9 Tinghall
Aldwick
PO21 3RJ

PROPOSAL: Proposed double storey extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Aldwick Parish Council - Objection;

- Over-development
- Not in keeping with the surrounding area
- Impact on the natural environment
- Not in line with the building regulations of 1.5m from the boundary

15 letters of objection were received;

- Matters of ownership
- Not in keeping
- Lack of parking
- Concern over watercourse
- Concern over trees
- Lack of access for machinery/vehicles

Material planning considerations including character, parking, drainage and trees are assessed within the conclusions section below. Matters involving disruption caused by construction is not a material planning consideration. Clarification was sought during the application process with regards to ownership, however no further information has been received. If the signed certificate within the application form is incorrect, this could invalidate a planning application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS: Objection.

Insufficient information regarding surface water drainage has been submitted to evidence that flood risk will not be increased as due to the proposed development. No information regarding the proposed surface water runoff location, as required by Standard 1 of the Non-Statutory Technical Standards for SuDS (NSfS), has been provided.

It is acknowledged that a watercourse runs to the immediate west of site, should infiltration be proven unviable then discharge to the watercourse may be possible however, details including flow parameters,

discharge rates and volumes will need to be agreed with the relevant risk management authority which in this case is WSCC as the Lead Local Flood Authority. Consent may also be required from the LLFA for any proposed works to the watercourse.

It should be ensured that no development occurs within the 3m easement of the watercourse, easements are required to be shown on plan. Further information can be found at <https://www.arun.gov.uk/watercourses>.

POLICY CONTEXT

Prone to Groundwater Flooding.
Tree Preservation Order.
Pagham Harbour Zone B.
2km Buffer for Site of Special Scientific Interest.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site is an end of terrace, two storey dwelling located in a cul-de-sac, Tinghall. This application seeks planning permission for the construction of a two storey side extension. The proposed materials and finishes would match the existing dwelling. The proposed extension would be visible from the street scene.

The proposed extension would adjoin the western flank elevation of the dwelling and would measure 5.1m in width, 9.1m in depth and would have an eaves height of 5.2m, matching the existing eaves height of the host dwelling. The extension would have a maximum height of 8.6m, adjoining the existing ridge height. Section M.01 of the Arun Design Guide (ADG) specifies that side extensions should be set back from the front elevation and down from the ridgeline by a minimum of 0.5m. The height of the proposed extension would be equal to the ridge height of the existing dwelling, and the extension would not be set back from the principal elevation, thus the extension would not strictly accord with this section of the ADG.

However, the ADG also requires side extensions to respond positively to the existing building in terms of roof form, materials, and elevational treatment. Further, the ADG outlines that to avoid a terracing effect, side extensions should be set in a minimum of 1m from the side boundary at ground floor level, increasing to 2m at first floor level. While the extension would not appear as a subservient addition, it would integrate well with the host property due to its matching pitched roof design and use of complementary materials consistent with the existing dwelling. It is noted that the side extension would not comply with the guidance spacing set out within the ADG, set in 1m from the side boundary to the front, with the spacing increasing to 4m to the rear. However, there are no neighbouring properties to the west of the proposed extension, and as such, the proposed extension would not result in a terracing effect. Furthermore, the spacing retained to the boundary would be appropriate for its setting. As a result, the extension would not appear out of keeping within its context, and the proposed two storey side extension would not result in harm to the character or appearance of the host dwelling or the wider street scene.

Opposite the application site is a row of five terraced properties, while the host dwelling forms part of a row of four. The proposed extension would not appear incongruous when viewed within the street, as its scale and form would not differ materially from the pattern of development present on the opposite side of the road.

Overall, the proposed development would alter the character of the dwelling in terms of its non-subservient scale and massing, however given the use of matching materials and the proposed design of the extension, the proposed works would not result in harm to the character or appearance of the host dwelling and the extension would integrate well with the existing. The proposal is therefore in accordance with policies D DM1 and D DM4 of the Arun Local Plan (ALP).

NEIGHBOURING RESIDENTIAL AMENITY

Part M of the ADG states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows.

The application site has neighbours to the south (rear) and to the east (side). The two storey extension would adjoin the western (side) flank. A spacing of 11.6m would be retained to the rear boundary, maintaining the existing rear garden depth. As such, given the spacing maintained between the proposed extension and neighbouring properties, the proposal would not result in any harm by way of overbearing or overshadowing impacts to the neighbours.

The proposed fenestration within the front elevation would have an outlook of the application site frontage and onto the open green space to the front of the application site, and would not result in any overlooking. The side elevation would contain one window at first floor level, facing Aldwick Green as such, the proposed side fenestration would not result in any overlooking. To the rear, a window and a door are proposed at ground floor level, and two windows are proposed at first floor would not give rise to views significantly different to those currently achieved from the existing rear fenestration. As such, the proposed extension would not result in harm by way of overlooking.

The proposed extension would not harm the residential amenity of neighbouring properties in accordance with policies D DM1 and D DM4 of the ALP and the ADG.

PARKING/ACCESS

The proposed development would not alter the existing parking arrangement serving the dwelling. It is noted that objections have been received from nearby occupiers in relation to construction access to the site. However, neighbouring properties within the row of terraces and terraced properties opposite have implemented extensions and outbuildings to the rear with the same access arrangement as the

application site. Further, the proposed development would be a small scale, residential extension and would not result in demonstrable harm to highway safety. The proposed development is acceptable in this regard.

DRAINAGE

The site is adjacent to a watercourse running north-south with the west boundary. The applicant should be aware that any works approved should ensure that no development occurs within the 3m easement of the watercourse.

It is acknowledged that the Council's Drainage Engineers raised an objection to the proposed development. It is noted that the proposed extension would partly replace an existing paved area and shed, and that a single storey side extension of a similar footprint could be achieved under permitted development. As such, given that the proposal would result in a limited increase in impermeable area on site, and the proposal would not result in an increased flood risk elsewhere in the District. As such, the proposal is in accordance with Arun Local Plan policies W DM1 and W DM3.

ECOLOGY

The application site lies adjacent to Aldwick Green, an area with high potential to support roosting bats. A preliminary roost assessment was requested in order to determine the presence or absence of bats during the course of this application; however, no details have been submitted. As a result, it remains unconfirmed whether bats are present on the site. Given that the proposed works extend to two storeys, any existing roosts within the roof structure could be affected.

In the absence of the requested ecological information, the impact on protected species cannot be fully assessed. Due to the lack of suitable information regarding bats the Council cannot be certain that the impact on biodiversity would not be adversely harmed, contrary to Arun Local Plan policy ENV DM5.

TREES

The trees likely to be affected by the proposal are a group of three cypress trees located to the front west side of the dwelling, which appear to be within the applicant's ownership. These trees would likely require removal to accommodate the enlarged building footprint. Their removal is not considered to result in harm to the wider visual amenity of the area.

A further low-quality, insubstantial tree is located off-site to the south east, beyond the watercourse on Arun District Council land. While the development may necessitate pruning of branches encroaching over the boundary, such works would be limited and fall within the applicant's legal entitlement.

Although some tree impacts are anticipated and must be treated as a material consideration, the trees affected are not of sufficient quality or public value to justify requiring their retention. In this context, it would be disproportionate to expect the submission of a full suite of arboricultural reports in support of the application. Therefore, the proposal is in accordance with Arun Local Plan policy ENV DM4.

SUMMARY

In the absence of the requested ecological information, the impact on protected species cannot be fully assessed. Due to the lack of suitable information regarding bats the Council cannot be certain that the impact on biodiversity would not be adversely harmed, contrary to Arun Local Plan policy ENV DM5. As such, this application is recommended for refusal.

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

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 not CIL liable.

RECOMMENDATION

REFUSE

- 1 In the absence of sufficient information, it has not been demonstrated that the proposed development would not have an adverse impact on any protected species which may be present within or use the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats, contrary to Arun Local Plan policy ENV DM5 and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.