

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

REF NO:	AW/296/17/HH
LOCATION:	29 Willowhale Avenue Aldwick PO21 4BG
PROPOSAL:	Remodelling of roof to form 1 No. dormer to rear elevation, 2 No. dormers to front elevation, 1 No. dormer to side elevation, front & side extensions.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	As above The proposed side extensions measures approximately 3m wide, 7.5m deep and 6.8m high. The proposed front extension measures approximately 5.8m deep, 7.1m wide, 6.2m high to ridge and 2.5m high to eaves level. The proposed front dormer windows measure approximately 2.5m wide and 2.9m high. The rear dormer comprises a one extension with 4 windows measuring approximately 14m wide and 2.6m high. Materials would be concrete tiles and render.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To the front there is a low boundary brick wall approximately 1m high and mature planting, there is a vehicle access and a brick wall along the northern side boundary approximately 2m high and timber fence along the southern boundary approximately 1.2m high. To the rear there is a timber fence with varying height being approximately 1m -1.8m high
SITE CHARACTERISTICS	The application site comprises a detached property constructed of brick beneath a tile roof which is set on a large plot. There is a deep front garden and large rear garden area. The property has existing dormer windows in the front and

CHARACTER OF LOCALITY	rear roof slope providing accommodation at this level. Residential comprising detached properties of various styles and designs.
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RELEVANT SITE HISTORY

No relevant planning history

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No response to date from Aldwick Parish Council

We wish to raise the following comments to the above planning application:

2 letters of objection have been received to the application summarised as follows:

1. The proposed position of the new double garage with living accommodation above extends too far forward and will be out of keeping within the street.
2. The proposed development will be harmful to the amenity of the adjoining occupier and be unduly dominant and lead to a loss of light
3. The proposed large Dormer window on the rear elevation is not very pleasing to the eye.
4. The rear dormer is too large
5. Too many dormer windows and out of character with the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments are noted and addressed in the conclusions below.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Built up area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development

DEV19 Extensions to existing residential buildings

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

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 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.

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).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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."

Although the proposal is not considered to comply with relevant Development Plan policies, in so far as the proposed extension is not subservient to the main house it is considered that the proposal 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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background (see elsewhere in report).

CONCLUSIONS

The application site is situated within the built up area boundary where the principle of development is acceptable subject to compliance with relevant development plan policy.

The proposed side extension would involve the removal of the existing single storey extension and effectively extend the existing house, to the same ridge height to the side and in line with the current side addition. This part of the scheme would be approximately 1m from the side boundary with the property to the north, No.27. Considered in isolation this aspect of the scheme is not considered harmful to the character of the property or the wider area.

The proposed front extension is large in size and would be approximately half the width of the front elevation of the main house. The extension creates an L shaped property with this front addition being a garage with accommodation above. This will be 1m off the side boundary with No.27 with the pitched roof sloping away from the boundary. It is noted that there is a degree of consistency to the building line on the locality however, there are projections and breaks to this line due to the design of surrounding properties. Whilst the proposed front extension is larger it still retains a significant set back from the road, approximately 11m. As such it is considered that the proposal will still retain an openness to the frontage of the property in line with the established character of the area and the extension does not appear as unduly dominant in the wider area.

With regard to the proposed dormer windows the two at the front are of same size and well positions within the roof slope and the side margins appearing as subservient features on the roof slope. To the rear there is one large dormer extension, this is not visible from the street and again is set within the roof slopes and although large is not considered to be harmful to the character and appearance of the wider area.

Materials would be render and concrete roof tiles, it is considered appropriate to impose a condition requiring details and colour of the roof tiles, the dormer cheeks and the upper gable area of the extensions and alterations to be submitted and approved by the Council.

It is accepted that the proposed extensions do change the appearance of the building. However, change is not necessarily harmful. Indeed NPPF policy states in para.60 "Planning policies and decisions should

not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.". Therefore, on balance it is considered that the proposed development is not harmful to the character and appearance of the host property or the wider area.

Given the siting of the proposed development and separation distance to the property to the south, No.31, being approximately 10m it is not considered the proposed development will be harmful to the amenity of occupiers of No.31. With regard to No.27 the proposed development is in closer proximity. There are no windows except the two roof lights facing No.27. Although the position of the roof lights seem unlikely to generate any unacceptable level of overlooking, this can be reinforced by a suitable condition that they should be obscure glazed. The proposed side extension would be within 1m of the boundary with No.27. The proposed extension would increase the impact upon No. 27 due to its closer position it is not considered this impact would be sufficient to merit refusal as being overly dominant or an unacceptable loss of outlook.

The front extension would infringe a 45 degree line from the middle of the nearest window of No.27. However, given the height at eaves level which is approximately 0.5m higher than the boundary wall and the roof sloping away. It is not considered that the proposed front extension would be unduly harmful to the amenity to these windows. The applicant's agent has submitted sun/daylight shadow analysis to support their case. This shows there would be some shadow to the front, also the main private garden is to the rear it is considered that the proposed extension will not lead to a loss of daylight or outlook sufficient to merit refusal on this ground.

The proposed dormer windows overlook the road and the rear garden therefore there is no issue of overlooking to properties to the side or the rear due to the separation distance to these latter properties. Given the position on roofslope the proposed development will also not be harmful to the outlook of adjoining properties. As such the proposed development will not be harmful to the amenity enjoyed by the occupiers of the adjoining properties.

The block plan shows a new access to the south of the site, there is an existing access in this position but no dropped kerb. No objection is raised to this relocation.

There are no parking implications arising from the proposed development.

In summary, on balance, when considering the scheme as a whole the proposed development is not considered to be visually obtrusive or prominent and would not have an adverse impact on the visual or residential amenity. As such, although the proposed extension would not be subservient to the main house and therefore not strictly comply with adopted planning policies in the Arun Local Plan 2003 and the Aldwick Parish Design Statement, it is considered that the proposed scheme does not create demonstrable harm and is considered acceptable. The proposed development is therefore recommended for approval subject to the following conditions.

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 9939-200, 9939-201A, 9939-202, 9939-101A, 9939-102, 9939-203, 9939-204 & 9939-205

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls to the dormer window extensions and upper gable areas of the proposed development and the roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The windows on the roof slope of the north elevation of the building, facing No.27 Willowhale Avenue shall at all times be glazed with obscured glass.

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.