

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

REF NO: AW/306/17/HH

LOCATION: 4 Apple Grove
Aldwick
PO21 4NB

PROPOSAL: Two storey extension to front elevation, new verandah & relocation of front door, raise rear pitch roof, extend garage with pitch roof & remodel existing dormers with pitch roofs.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal consists of the following elements: (1) Conversion of existing garage into a garden store; (2) New garage in front of the existing and attached to the side of the dwelling; (3) 2.7m deep single storey flat roofed rear extension; (4) 2.8m deep two storey gable ended front extension with new ground level veranda to side; (5) New pitched roofs above front & rear dormers (rear dormer slightly increased in depth); (6) New first floor above existing rear kitchen; (7) New first floor balcony with 1.8m high obscure glazed side screen; and (8) Two new parking spaces within the front garden. In addition, the materials will be changed as follows: (a) Roof - concrete tiles to slate; (b) Ground floor walls - brick to acrylic render; and (c) First floor walls - brick to colour boarding. The changes maintain the same number of bedrooms (4).
TOPOGRAPHY	Predominantly flat.
TREES	Large tree in front garden but not affected.
BOUNDARY TREATMENT	* Dwarf brick wall to front; * Dwarf white picket fence to front/side adjoining no. 5; * 1.8m high timber fence supplemented with hedging to remainder of boundary with no. 5; * Part dwarf wall, part 1.9m high timber fence to no. 3 (the existing garage also forms part of this boundary); and * 1.8m high timber fence to rear.
SITE CHARACTERISTICS	Bungalow with accommodation in the roof facilitated by front and rear dormers. Orange brick with concrete roof tiles. Two chimneys. Front and rear gardens. Long driveway to side

CHARACTER OF LOCALITY

capable of accommodating 4-5 cars parked in tandem with garage at end.

Private residential estate comprising detached properties of various styles and designs. Neighbouring properties as follows:

* No. 3 - similar styled dormer bungalow in white render (ground) & pale blue/green cladding (first). One first floor flank bathroom window facing the site. Five ground floor flank windows facing the site (two home office rooms, library, toilet & utility room) . Existing flat roofed rear extension. Closest first floor rear window serves a bathroom; and

* No. 5 - two storey thatched roof dwelling with white rendered elevations. Garage to side with storage building extending back from the garage.

RELEVANT SITE HISTORY

BR/155/59/O

6 Detached Bungalows

ApproveConditionally
18-09-61

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council - no response.

One letter of no-objection/support from the Aldwick Bay Company Ltd on the grounds that:

- * The alterations will add character to the property and improve the accommodation;
- * The alterations will enhance the street scene in Apple Grove and will not impact on neighbouring properties; and
- * There is no breach of regulations concerning the impact of the works on no. 3's boundary.

Two letters of objection from nos. 3 and 18 Apple Grove on the following grounds:

- (1) The proposed rear two storey extension will obstruct light to no. 3 (side & rear);
- (2) New first floor flank window will invade privacy of no 3's living areas;
- (3) Proposed front extension will materially alter the street scene and goes against a previous refusal ref AW/134/12 concerning no. 3; and
- (4) The moving of the front building line of the property goes against the Bay covenant.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Aldwick Bay Company Ltd are noted.

In respect of the objections:

- (1) This will be discussed in the conclusions section;
- (2) This window would face no. 3's first floor bathroom window. A condition will be imposed to ensure that this window is obscure glazed;
- (3) Noted but the refusal was in respect of enlarged dormers to an existing dormer bungalow whereas this application proposes to alter the appearance of the dwelling from a dormer bungalow to something more akin to two storeys and it is not therefore considered that the 2012 refusal sets any kind of precedent; and
- (4) Covenants exist separately to the planning system and are not capable of being material planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Area Tree Preservation Order (Bognor No. 2).

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 SP1	Sustainable Development
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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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 constitutes 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 suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

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 ended 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. 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).

Aldwick have not developed a Neighbourhood Development Plan but has published a Design Guide.

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 not considered to comply with Arun Local Plan policy DEV19 (ii) in that the extensions are not visually subservient to the main building.

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. Namely it is not considered that the extensions will have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties and it is not considered that there would be any adverse impact upon the established character of the surrounding area.

CONCLUSIONS

PRINCIPLE:

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as design, visual & residential amenity and parking provision.

RESIDENTIAL & VISUAL AMENITY:

Objections have been received from nearby residential occupiers on the grounds of loss of light to no. 3 and that the front extension will materially alter the street scene. However, conversely, the Aldwick Bay Company Ltd consider that the front extensions will enhance the street scene.

Arun District Local Plan Policy GEN7 indicates that planning permission will only be granted for schemes displaying high quality design & layout and do not have an unacceptable adverse impact on adjoining occupiers. Furthermore, Policy DEV19 requires that extensions be visually subservient to the existing building, reflect the existing streetscene, not result in a terracing effect and be visually integrated with & sympathetically relate to the existing dwelling. Policy DEV19 also requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

The site is defined within the Aldwick Parish Design Statement as being part of Character Area 1 (Aldwick Bay Estate) and therefore, the following development criteria in respect of extensions are relevant:

- New development should protect and where possible reinforce the character of the surrounding area;
- New development should work with rather than against the characteristics of the site and the surrounding area;
- New development should protect existing views and create new views and use materials and building styles which are appropriate in the local context;
- Planning permission should 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 settings;
- Development should be permitted provided it does not have an unacceptable adverse impact on adjoining occupiers, land uses or property and, where relevant, facilitates the development of adjoining sites;
- All applicants should be encouraged to improve the visual amenities of a particular locality in scale, external appearance, hard and soft landscaping and materials;
- The extensions should sympathetically relate to and be visually integrated with, the existing building in siting, design, form, scale and materials;

- The extensions should be visually subservient to the main building and must not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties;
- Materials matching the existing building should be used where appropriate;
- In streets characterised by relatively small gaps at first floor level between buildings, any extension at first floor level should not come to within a minimum of one metre of the side boundary;
- There should be strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof re- design should be sympathetic and in keeping with the character of existing properties; and
- The extensions should not compromise the established spatial character and pattern of the street scene.

It is not considered that the extensions are subservient in nature to the existing dwelling as they will essentially remodel the dwelling from what is currently a dormer bungalow to something more akin to a two storey dwelling. This being the case, the proposal would not comply with part (ii) of Arun Local Plan policy DEV19 not with part of stated Design Guide development criteria.

However, for the reasons set out below, it is not considered that the changes to the dwelling are such that they would have a materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties. In addition, it is not considered that there would be any adverse impact upon the established character of the surrounding area.

In particular, it is noted that Apple Grove has a mixed appearance/character with bungalows alongside two storey thatched properties and other more traditional two storey properties. It is accepted that originally, this bungalow was built matching other bungalows in the streetscene including no. 3 next door. However, following alteration, no. 3 now has more of a modern appearance. Also, the proposed changes to the dwelling would result in a new form of dwelling structure and this will add additional visual interest to the street scene.

In terms of residential amenity issues, it is noted that the front gable extension will be 5m from the flank of no. 5 and this together with its position only 1.3m further forward will limit any loss of light to the front corner of no. 5. The rear extension has been designed so as not to affect a 45 degree splay drawn from any principal windows on the rear of no. 5 and therefore is not considered to take away any light from the rear of no. 5. The balcony upstairs could allow overlooking of 5's garden but the applicant has added a side screen to the plans which will protect the neighbours amenity.

The new first floor roof extension to the rear will be set in from the boundary with no. 3 by the width of the driveway. It may result in some shading of existing ground floor side windows during the afternoon but as none of these window are to principal rooms and as light reaching the rear garden will be unaffected, this is not considered to be harmful.

The positioning of the new garage alongside the boundary with no. 3 will similarly result in some loss of light to no. 3's ground floor windows but these windows will already be partly shaded owing to the existing boundary treatment and in any case, this loss of light is not considered to be harmful.

There are not considered to be adverse effects concerning the conversion of the existing garage to a store. The proposed materials will be more modern in appearance than the existing but having regard to the cladding & render present on no. 3 and elsewhere in the streetscene, are considered to be acceptable.

There are other instances of hardstanding parking within front gardens elsewhere in Apple Grove and therefore this alteration is considered to be acceptable.

PARKING PROVISION:

The proposal has an existing generous driveway and although this will be shortened by the new garage it will still be some 18m long. In addition, the application proposes two new parking spaces within the existing front garden. Notwithstanding, the number of bedrooms will not change and therefore, there is no increased parking demand to consider.

SUMMARY:

Whilst the proposals technically conflict with part (ii) of Policy DEV19 and the development criteria within the Aldwick Parish Design Statement, it is considered that the proposal complies with the other criteria and that the resultant building will not have a harmful impact on the streetscene nor on the amenity of neighbouring properties. It is therefore recommended that planning permission be granted subject to the following conditions.

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:

- * 01 Rev A "Block, Site & Location Plans";
- * 05 Rev B "Plans as Proposed";
- * 06 Rev B "Elevations as Proposed";
- * 04 "Roof Plan as Proposed"; and
- * 07 Rev A "Perspective Views".

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 The balcony hereby approved shall not be brought into use unless and until the 1.8m high obscure glazed balcony side screen has been installed to the south western side in accordance with the approved drawings. The screen shall then be retained in perpetuity and maintained so as to be fit for purpose.

Reason: To protect the amenities and privacy of the neighbouring property, 5 Apple Grove in accordance with policies GEN7 & DEV19 of the Arun District Local Plan.

- 4 The three first floor bath/shower room windows on the two flank elevations of the building shall at all times be glazed with obscured glass and fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies GEN7 & DEV19 of the Arun District Local Plan.

- 5 The first floor landing window on the flank elevation facing no. 3 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.

- 6 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.