

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

REF NO: **AW/31/17/HH**

LOCATION: 81A The Fairway
Aldwick

PROPOSAL: Single storey rear extension, new porch to side elevation, fence to North elevation & enlargement of lean-to outbuilding. This application affects the character & appearance of the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Porch to side to have gable end roof. Rear extension to be lean-to in style. The walls are to be white painted brick to match and the roof is to be western red cedar shingle. Windows to be crittall style steel and timber and doors to be timber.

SITE AREA

0.09 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

The stem of the Pine TPO to the north west of the proposal would be 5m away from the nearest part of the extension. An informative will be added regarding the TPO, should roots be exposed or damaged during construction.

No other trees on the site are to be removed. They are not covered by TPOs but as the site is within a conservation area so the retention of the trees is important.

BOUNDARY TREATMENT

Trees and hedging of various heights and species to all boundaries. No consistent treatment.

SITE CHARACTERISTICS

Corner plot, detached two storey thatched roof house, set back from the road with parking to side, gardens to front and rear.

CHARACTER OF LOCALITY

Coastal suburban residential private estate. Tree lined streets with grass verges. Estate is characterised by large two storey detached properties some with thatched roofs.

RELEVANT SITE HISTORY

AW/105/99/

New garden room, garage conversion to

ApproveConditionally

report

study/hobby room re-roofing of existing sheds

10-08-1999

AW/138/00/

New garden room and garage conversion
(variation to existing planning permission
AW/105/99)

ApproveConditionally

25-08-2000

None directly relevant.

REPRESENTATIONS

Representations received:

No response.

Aldwick Bay Company Ltd

No objection to the size and design of the proposals. Materials as noted in the application to match in colour and texture the existing wall, windows and doors. Roof materials and detailing to match those on the previous extension.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

CAAC

Objection. Design needs re-addressing- currently it detracts from the appearance of this original building.

Comments on Consultation responses:

Comments noted.

Officer disagrees with the CAAC which gives no reason for its objection. The extensions are modest in size and considered to be subservient to the host dwelling, with materials to blend with the character of the main house. The proposals are considered to preserve the appearance of the conservation area.

POLICY CONTEXT

Designation applicable to site:

Conservation area

Within the built up area boundary

TPO tree (Pine to western boundary of site, behind property)

Building of Special Character

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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).

Aldwick Parish does not have a made NDP, nor is a plan being prepared. However, it does have

an adopted Village Design Statement which is a material consideration.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, it would preserve the established character of the surrounding conservation area.

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

DESIGN AND VISUAL AMENITY

The extensions would be modest in size and located discreetly to the side and rear of the property. It must be noted that the rear of the property is visible from both The Fairway and Tithe Barn Close (to the north). Thus, it is important the extensions are modest, subservient and of materials similar or suitable to respect the character of the property. The scale and design of the porch and extension are considered to respect the character of the existing dwelling and preserve the appearance of the conservation area.

The existing timber doors are to be reused, matching western red cedar cladding to the pitched roofs and felt to match that of the existing outbuilding roof are proposed. Flush conservation style roof lights are proposed and white painted brick with oak boarding will be used for the walls. The high level glazed 'gable roof side' window will be of timber construction. The proposed materials are considered to be suitable to preserve and respect the appearance of the host dwelling and conservation area. A condition will be imposed requiring materials stated in the design and access statement to be used, unless otherwise, first agreed in writing by the LPA.

Overall, the proposal is considered to meet the aims of AREA 1 of the Aldwick Parish design statement.

IMPACT ON RESIDENTIAL AMENITY

The extensions are not set close to neighbouring dwellings and are modest in size and overall scale. Thus, the proposals are considered to have a limited impact on residential amenity in terms of overbearing impact or visual intrusion. The developments would pass the 45 degree test to the nearest neighbouring windows and would offer no high level overlooking, thus are acceptable in terms of neighbour privacy.

TREES

The TPO Pine tree is to be retained. It is not considered likely that its roots would be significantly damaged by the construction of the rear extension. However, an informative is to be included giving the applicant advice on the status of the TPO. Other trees (not covered by TPOs) are to be retained.

The application is recommended for conditional approval.

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:-

01A
04
05
06

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 materials and finishes used for the external walls, roofs, window(s), roof lights and doors of the developments hereby permitted shall be in line with the materials specification outlined in the the following approved document and plan:-

-Mr and Mrs B Pieters dated 23 Jan 2017
-drw no 05

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District 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.

- 5 INFORMATIVE:
The applicant should be aware that the development hereby permitted is within the RPA of a TPO Pine tree. Harm to the roots of this tree may result in the death or injury of the health of the TPO tree. As such the Applicant should be aware that damage to the tree during construction work is a criminal offence.