

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

REF NO: **AW/335/14/HH**

LOCATION: 4 Tithe Barn Way
 Aldwick

PROPOSAL: Alterations, garage extension & new garden walls

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks consent for the construction of a front garage extension with the addition of a first floor window on the eastern elevation and the coloured rendering of the property. The application also seeks consent for the erection of a 1.2 metre high brick and close boarded boundary treatment.

SITE AREA

Approximately 1021 metres squared.

TOPOGRAPHY

Predominantly flat.

TREES

There are two pines trees the subject of Tree Preservation Orders located on the grass verge between the front boundary wall and the highway.

BOUNDARY TREATMENT

The front boundary of the site currently consists of a 0.4 metre high brick wall, with the side boundaries forward of the primary elevation featuring 1.8 metre high close boarded fencing and 2 metre high hedging.

SITE CHARACTERISTICS

The application site is occupied by a 2 storey detached dwelling constructed from brick with white uPVC cladding below the first floor windows and a brown tiled roof.

CHARACTER OF LOCALITY

The locality of the site is residential in character and features primarily large two storey detached dwellings of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members have no objection to the application.

1 x Letter of Rep:

- No objection to the garage extension.
- Objection to the proposed 1.2m high 'pier and panel' fence as it is out of keeping with the area.
- Objection due to potential damage to the TPO trees located on the verge between the proposed 'pier and panel' fence and highway.
- Objection to the proposed rendering of the property as it would be out of character with the area.
- Objection to the proposed window in the south elevation due to overlooking of the adjoining property.

Comments on Representations received:

Comments of Aldwick Parish Council noted.

In response to the letter of rep received I can provide the following response:

- The proposed 1.2m high 'pier and panel' fence could be constructed without the requirement to obtain planning permission from the Council up to a height of 1 metre under Schedule 2, Part 2, Class A. Therefore, the additional 0.2 metres in height is not deemed to cause unacceptable harm to the amenity of the area or cause significant harm to the conservation area.
- The potential damage caused by the construction of the boundary treatment can be controlled through the use of appropriate conditions to ensure adequate measures are implemented and the works carried out to ensure the health of the trees is preserved.
- The proposed rendering of the property is considered to be acceptable subject to a condition controlling the colour to be used
- It is acknowledged that the proposed window would give rise to unacceptable harm to the amenity of the adjoining property. However, the use of obscure glazing and non-opening windows below 1.7 metres would remove the harm to residential amenity.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer:

The application amounts to various works to an existing, established property.

It is considered that the alterations to the property will result in a neutral impact. However, there is some concern with the proposed front boundary wall. It will appear to be higher than those in the surround/neighbouring properties. It will also be treated in a different material (render). It has the potential to have a greater impact upon the street-scene than those that surround it.

If minded to approve, details of the colour of the render should be provided.

Relevant policies:

Arun District Local Plan 2003:
Area 2: Conservation Areas

Emerging Local Plan 2014:
HER SP1: The historic environment
HER DM3: Conservation Areas

Relevant SPD's:

Conservation Areas Supplementary Planning Guidance Note

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[DEV19](#)
[AREA2](#)
[GEN2](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Extensions to existing residential buildings
Conservation Areas
Built-up Area Boundary
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
HER SP1 The Historic Environment
HER DM3 Conservation Areas
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. There are currently no neighbourhood plans in preparation for Aldwick.

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, nor would it have an adverse impact upon the established character of the surrounding 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

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and DEV19.

GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area. Whilst, DEV19 requires extensions to existing residential buildings to be sympathetic in relation to the existing building in siting, design, form, scale and materials;

subservient to the main building; and to not cause any overshadowing, overlooking or overbearing effects upon neighbouring properties.

DESIGN AND VISUAL AMENITY

This application seeks permission for a two storey front extension; the addition of a first floor window on the southern elevation; the rendering of the building; alteration to the balcony parapet; and the erection of a 1.2 metre high 'pier and panel' fence adjacent to the highway and a 1.5 metre high fence on the side boundaries of the property.

The proposed front extension will project 2.4 metres further forward from the existing primary elevation. The proposed extension will be well integrated with the existing property with the ridge line matching that of the existing dwelling and the use of matching materials. The extension will be set back from the highway by approximately 13 metres and as such the proposal will not have no adverse impact upon the appearance of the street scene.

The application proposes for the entire dwelling to be rendered and colour washed. However, limited detail is provided as to the exact colour proposed for this and as such a condition would be necessary to ensure that the colour of the building was not detrimental to the appearance and character of the Conservation Area. Whilst the properties immediately neighbouring the application site are not rendered, a number of properties adjacent in Bowling Green Close do feature cream rendered finishes.

The proposed boundary treatment included in this application is not deemed to have an adverse impact upon the character of the conservation area. The proposal is for the erection of a 1.2 metres wall adjacent to the highway - under Schedule 2, Part 2, Class A of the Town and Country (General Permitted Development) Order 1995 (as amended) walls up to 1 metre in height can be erected without the need to obtain planning permission. Therefore, as the wall exceeds 1 metre in height the structure will require formal planning consent from the Council. It has been determined that the additional 0.2 metres is not unacceptable in terms of its impact upon the character of the area. The application also includes the erection of 1.5 metre high fencing on the side boundaries of the property, these works would benefit from permitted development rights under Schedule 2, Part 2, Class A, which allows for the erection of walls and means of enclosure up to 2 metres in height. Whilst,

It has also been considered that the wall will be located within close proximity of two trees the subject of Tree Preservation Orders (TPO) and as such these works would need to be conditioned to ensure that the works and development of the site is carried out in accordance with the limitations of BS 5837 (2012).

IMPACT UPON CONSERVATION AREA

The proposed works to the existing dwelling are considered to have an acceptable impact upon the appearance of the conservation area. However, concerns have been raised by the Council's Conservation Officer in relation to the proposed wall adjacent to the highway. The existing 0.4 metre high wall adjacent to the highway continues along the frontage of 3 Tithe Barn Way and has a limited impact upon the appearance of the street scene and conservation area. Whilst, the proposed wall will be higher than the existing boundary treatment it is considered that it will not have an unacceptable adverse impact upon the appearance of the conservation area. It should be noted that 128 and 129 which are located at the northern end of Tithe Barn Way have side boundaries which run adjacent to the highway with boundary treatments of 1.8 metres in height.

Most notable is the brick built and cream painted wall located some 5 metres to the north of the application site. Therefore, the proposed wall has been deemed to have an acceptable impact upon the character of the conservation area.

RESIDENTIAL AMENITY

The majority of the works proposed in this application are not deemed to give rise to any adverse impacts upon the residential amenity of neighbouring properties. However, the proposed window at first floor level on the southern elevation is located adjacent to the bedroom window of 3 Tithe Barn Way. Therefore, a condition has been imposed on this approval requiring this window to remain obscurely glazed below 1.8 metres from floor level of the room.

The proposed alterations to the balcony have also been considered. However, given that the balcony is an existing feature upon the dwelling it has not been deemed to give rise to any additional overlooking of neighbour properties.

CONCLUSION

Therefore, subject to the following conditions this application is recommended for 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 for 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 no impacts have been identified upon any 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

report

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:- Block and Location Plans P01; Ground Floor Plans Proposed P06; First Floor & Roof Plans as Proposed P07; East & South Proposed Elevations P08; West & North Proposed Elevations P09; East Frontage Proposed Elevations P10; Perspective Views P11; and Perspective Views South & North West P12.

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 window hereby approved at first floor level on the southern elevation of the building and shown on plan 'East & South Proposed Elevations P08' shall at all times be and remain obscurely glazed below 1.8 metres from the floor level of the room.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule and sample of the colour finish to be used for the external walls of the building have been submitted to and approved by the Local Planning Authority and the colour so approved shall be used in the painting of the external elevations.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The materials and finishes of the external roof of the extension hereby permitted shall match in colour and texture those of the existing building.

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

- 6 The development of the boundary wall/fence, shall not be commenced until a report in accordance with BS 5837 (2012) has been submitted and approved by the Local Planning Authority to ensure protection of the Root Protection Area (RPA) of the two pine trees forward of the primary elevation. Fencing shall also be deployed in accordance with BS5837 (2012) and Section 9, around each tree to the RPA as calculated in accordance with Table 2 of BS5837 (2012). Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil placed or stored thereon.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.